

## North East Planning Committee

Due to Scottish Government guidance relating to COVID-19, this meeting will be held remotely



Wednesday, 10th February, 2021 - 1.30 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 of the Committee 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 Meeting of North East Planning Committee of 13th January, 2021. 3 – 7
- DEVELOPMENT MANAGEMENT - REPORTS BY THE HEAD OF PLANNING
4. **20/01622/FULL - TAYPORT HARBOUR, HARBOUR ROAD, TAYPORT** 8 – 23  
Erection of boundary fence, gates and lighting columns and formation of footpath.
  5. **20/01881/FULL - 13 KINKELL TERRACE, ST ANDREWS, FIFE** 24 – 30  
Erection of outbuilding to rear of dwellinghouse.
  6. **18/03578/PPP - LAND TO THE NORTH OF GRANGE ROAD, EARLSFERRY** 31 – 62  
Major residential development with associated car parking, landscaping, drainage and formation of new accesses.
  7. **18/03579/PPP - LAND TO EAST OF WADESLEA, ELIE** 63 – 105  
Planning permission in principle for major mixed use development comprising: residential units (Class 9), associated car parking, open space, landscaping, drainage and formation of new access points, small business units (Class 4), a care home (Class 8), retirement housing (Class 8), additional parking for an existing doctor surgery and community space/facilities.
  8. **20/01098/FULL - FIFE COUNCIL ENVIRONMENTAL SERVICES, LANDFILL SITE, LOWER MELVILLE WOOD** 106 – 130  
Construction and operation of a facility for the storage, processing and recycling of non-hazardous incinerator bottom ash (IBA).

9./

**9. 20/02824/FULL - TROMIE SHORE STREET, CELLARDYKE**

131 – 141

Alterations to dwellinghouse and erection of two storey double garage.

DEVELOPMENT MANAGEMENT - DELEGATED ITEMS

**10. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS**

List of applications dealt with under delegated powers for the period 28th December, 2020 to 24th January, 2021.

Note - these lists are available to view with the committee papers on the Fife.gov.uk website.

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

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3rd February, 2021

If telephoning, please ask for:  
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**THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING**

13th January, 2021

1.37 p.m. – 5.25 p.m.

**PRESENT:** Councillors Donald Lothian (Convener), Tim Brett, Bill Connor, John Docherty, Andy Heer, Jane Ann Liston, David MacDiarmid, Karen Marjoram, Tony Miklinski, Dominic Nolan, Bill Porteous, Jonny Tepp and Ann Verner.

**ATTENDING:** Alastair Hamilton, Service Manager - Development Management; Richard Simmons, Lead Officer Transportation Development Management (North Fife), Economy, Planning & Employability Services; Steven Paterson, Solicitor; and Diane Barnet, Committee Officer, Legal & Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors Linda Holt, Margaret Kennedy and Brian Thomson.

**231. DECLARATIONS OF INTEREST**

Councillors Jane Ann Liston and Ann Verner declared an interest in item 235 - '20/00821/FULL - St Andrews Harbour, Shorehead, St Andrews' as Councillor Liston was a Fife Council representative on the Forth FLAG (Fishermens' Local Action Group); and Councillor Verner was a Council appointed member of St Andrews Harbour Trust.

Councillor Dominic Nolan declared an interest in item 237 - '20/02079/FULL - North Car Park, Argyle Street, St Andrews' - as a close personal friend had a non-financial interest in the planning application.

Councillors Andy Heer and Dominic Nolan declared an interest in items 240 and 241 - 20/00901/FULL and 20/00899/LBC - 'Kinburn Castle, Doubledykes Road, St Andrews' - as Councillor Heer was acquainted with the applicant; and Councillor Nolan made ongoing use of the services at Kinburn Castle.

**232. MINUTE**

The Committee considered the minute of the meeting of North East Planning Committee on 16th December, 2020.

**Decision**

The Committee agreed to approve the minute.

**233. 19/01916/FULL - VACANT SITE, WEST END, ST MONANS**

The Committee considered a report by the Head of Planning relating to an application for the erection of a dwellinghouse with associated access and coastal protection/

## 2021 NEPC 142

protection measures including erection of wall (amendment to 17/02585/FULL to include removal of concrete benching, demolition of existing wall, erection of replacement sea wall and substitution of UPVC windows for timber windows).

### **Decision**

The Committee agreed to approve the application subject to the 12 conditions and for the reasons detailed in the report.

### **234. 19/03013/FULL - LAND FOR PROSPECTIVE STUDENT ACCOMMODATION, ALBANY PARK, ST ANDREWS**

The Committee considered a report by the Head of Planning relating to an application for planning permission for the erection of student accommodation buildings, conversion of dwelling to form student residence, alteration and extension of office building to form a facilities building, including seasonal cafe, erection of a boat shed, bin stores, cycle storage, electrical sub-stations, gas meter housing, formation of parking, landscaping and other ancillary works.

### **Decision**

The Committee agreed to approve the application:-

- (1) subject to the 26 conditions and for the reasons detailed in the report;
- (2) following the conclusion of an agreement to secure the necessary planning obligations relating to a £5,000 contribution towards a feasibility study into what improvements might be required to provide a suitable alternative route for cyclists to avoid using Lade Braes; and
- (3) that authority was delegated to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement necessary to secure the planning obligation.

*Having earlier declared an interest, Councillors Liston and Verner left the meeting prior to consideration of the following item.*

### **235. 20/00821/FULL - ST ANDREWS HARBOUR, SHOREHEAD, ST ANDREWS**

The Committee considered a report by the Head of Planning relating to an application for the erection of storage shed (Class 6) and installation of a fuel tank with associated security cage.

### **Decision**

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

*Councillors Liston and Verner re-joined the meeting prior to consideration of the following item.*

The Committee adjourned at 3.33 p.m.

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**236./**

The Committee reconvened at 3.48 p.m.

**236. 20/01881/FULL - 13 KINKELL TERRACE, ST ANDREWS, FIFE**

Prior to consideration of a report by the Head of Planning relating to an application for the erection of outbuilding to rear of dwellinghouse, the Committee was advised of the merit of continuing consideration of the planning application to its next meeting on 10th February, 2021 - in order to investigate and remedy any potential issues or inaccuracies within the report.

**Decision**

The Committee agreed to continue consideration of the application to its next meeting on 10th February, 2021.

*Having earlier declared an interest in the following item, Councillor Nolan left the meeting at this stage.*

**237. 20/02079/FULL - NORTH CAR PARK, ARGYLE STREET, ST ANDREWS**

The Committee considered a report by the Head of Planning relating to an application for the installation of new and replacement lighting columns and lanterns including associated infrastructure.

**Decision**

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

*Councillor Nolan re-joined the meeting following consideration of the above item.*

**238. 20/02389/FULL - CASTLESHOTTS, BALMBLAE, FALKLAND**

The Committee considered a report by the Head of Planning relating to an application for external alterations to dwellinghouse including erection of single storey extension; installation of door and windows; rooflights and replacement rainwater goods; and alterations to roof and boundary walls.

**Decision**

The Committee agreed to approve the application without condition.

**239. 20/02391/LBC - CASTLESHOTTS, BALMBLAE, FALKLAND**

The Committee considered a report by the Head of Planning relating to an application for Listed Building Consent for external alterations to dwellinghouse including erection of single storey extension; installation of door and windows; rooflights and replacement rainwater goods; and alterations to roof and boundary walls.

**Decision**

The Committee agreed to approve the application without condition.

*Having earlier declared an interest in the following two related items, Councillors Heer and Nolan left the meeting at this stage.*

**240./**

**240. 20/00901/FULL - KINBURN CASTLE, DOUBLEDYKES ROAD, ST. ANDREWS**

The Committee considered a report by the Head of Planning relating to an application for the erection of six flatted dwellings with associated access, parking and landscaping works.

**Decision**

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

**241. 20/00899/LBC - KINBURN CASTLE, DOUBLEDYKES ROAD, ST. ANDREWS**

The Committee considered a report by the Head of Planning relating to an application for Listed Building Consent for alterations to boundary wall including reduction of height and widening of access.

**Decision**

The Committee agreed to refuse the application for Listed Building Consent for the reasons set out in the report.

*Councillors Heer and Nolan re-joined the meeting following consideration of the above items.*

**242. 19/03466/ARC - LAND INFILL SITE AT NYDIE MAINS ROAD, NYDIE, STRATHKINNESS**

The Committee considered a report by the Head of Planning relating to an application for approval of matters specified by condition for the erection of 65 dwellings and associated landscaping, access and engineering and infrastructure works (15/04130/PPP).

**Motion**

Councillor Liston, seconded by Councillor Tepp, moved to refuse the application on the grounds that the proposed development did not comply with Policies 1 and 14 of the Adopted FIFEplan (2017), Scottish Planning Policy (2014) and Making Fife's Places Supplementary Guidance (2018) - as the proposed development would have a detrimental impact on visual amenity; was considered overdevelopment; and the massing and design was out of character with the surrounding environment.

**Amendment**

Councillor Porteous, seconded by Councillor Miklinski, moved as an amendment to approve the application subject to:

- (1) the 15 conditions and for the reasons detailed in the report; and
- (2) an additional condition to secure a required Play Strategy to secure offsite play/

## 2021 NEPC 145

play facilities in the area, delegating to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to formulate appropriate wording for the condition.

### **Roll Call Vote**

**For the Motion** - 8 votes

Councillors Brett, Docherty, Heer, Liston, MacDiarmid, Nolan, Tepp and Verner.

**For the Amendment** - 5 votes

Councillors Connor, Lothian, Marjoram, Miklinski and Porteous.

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

### **Decision**

The Committee agreed to refuse the application for the reasons detailed in the motion.

## **243. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS**

### **Decision**

The Committee noted the lists of applications dealt with under delegated powers for the period 30th November to 27th December, 2020.

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**ITEM NO: 4**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 20/01622/FULL**

**SITE ADDRESS: TAYPORT HARBOUR HARBOUR ROAD TAYPORT**

**PROPOSAL : ERECTION OF BOUNDARY FENCE, GATES AND LIGHTING  
COLUMNS AND FORMATION OF FOOTPATH**

**APPLICANT: MR JAMES PASK  
TAYPORT HARBOUR HARBOUR ROAD TAYPORT**

**WARD NO: W5R17  
Tay Bridgehead**

**CASE OFFICER: Paul Ede**

**DATE 10/09/2020  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 letters of representation have been received that are contrary to the officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL  
CONSIDERATIONS**

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.



## 1.0 BACKGROUND

1.1 This application relates to an irregularly-shaped area of open ground approx. 1750 sq.m in area, lying approx. 30m to the south of the main harbour basin of Tayport, and within its settlement boundary. The site lies amidst surrounding residential properties, between Tay Street, Macduff Drive and the harbour itself. Tayport Harbour Trust as applicants have submitted a land ownership certificate for this site. The site largely comprises areas of hardstanding (largely type 1 hardcore with finer material over), with existing pathways roughly delineated by gravel chippings and some naturally seeded weed growth. To the west, the site is accessed on foot via Foundry Lane, which connects the site to Tay Street. To the north, the site has open boundaries to existing paths and the harbour basin. To the east, the site has open boundaries to an area of private parking serving nearby housing and leads to Harbour Road beyond. The site is surrounded largely by existing residential dwellings, but to the south lies an area of ground that also contains Scottish Water infrastructure, and to the south of that a Scottish Water treatment plant. Along the southern boundaries, existing boundary treatment is timber fencing (vertical and horizontal, approx. 1.8m tall). To the west, boundary treatment comprises a mix of brick, masonry and breeze block walling (approx. 1.8m tall). A small area of iron railing defines the boundary at the north-west corner of the site. Although the north and east boundaries are open, part of the east boundary is defined by an existing brick-built bin store approx. 1.5m in height. The land has been used historically for boat storage in the 1980s, and before that formed part of a boat yard. Evidence was found of mooring weights and chains currently located on the site. This area of land is identified as a Housing Opportunity site for a flatted development of 10 units (listed as TAY002 in the Adopted FIFEplan 2017), having previously been put forward as such by the Tayport Harbour Trust. Prior to this, the site was shown as a brownfield opportunity site in the Draft St Andrews & East Fife Local Plan (2005), and as a Housing site in both the finalised draft version of the St Andrews & East Fife Local Plan (2009) and the adopted version of that same plan (2012). The site has not seen a developer coming forward, however. The existing core path, cycle path and Fife Coastal Path network are adjacent to the site but do not cross it, and there is no record of any right of way crossing the site according to council mapping data.

1.2 This application is seeking planning permission for the erection of boundary fencing and gate, erection of lighting columns, and formation of a footpath. The applicants have stated that their intent is to continue the historic use of the land as a boat and storage area, predominantly for smaller boats on trailers able to use the adjacent slipway from the basin. It is proposed to erect a 2.4m high vertically-slatted larch timber fencing around the site, with a natural finish left to weather. The fencing would have gated access to the north. The area to the south of the site would remain in the hands of the Trust, and a gate included to enable access to the land by Scottish Water. This 2.4m high fencing would match the height of the fencing approved in a recent planning application at the entrance to the main harbour pier (to the north-east). A new footpath is proposed, designed to respect the ability for pedestrians to cross the site from Foundry Lane to the north boundary with the harbour basin. This path would be laid from the exit of Foundry Lane onto the site around its western edge, exiting next to the proposed north gates, and would be formed of the existing Type 1 well compacted with whin dust rolled in. No additional hardstanding is proposed for the compound area. Four lighting columns and four bulkhead lights fitted to the fence on the footpath side are proposed along the west perimeter fencing, consisting of photocell switched security lighting which would illuminate at dusk and switch off at dawn. Within the compound the columns would be 3m high standards with down-facing 30-watt LED lamps emitting white light. The lighting mounted on the fencing would be 15-watt LED lamps. This lighting would not be adopted by the council but the developer has indicated that they would take responsibility

for their maintenance. Planting to enhance bio-diversity is proposed along the north boundary fencing and part of the east-facing fencing.

### 1.3 Planning history:

There is no recent relevant planning history on file for this site. The Trust recently applied for planning permission to heighten the boundary treatment at the entrance to the harbour area nearby to 2.4m, via the following two applications:

- 20/00684/FULL Erection of boundary fence and gate, which was permitted without conditions on 9th June 2020
- 20/00682/LBC Listed Building Consent for erection of boundary fence and gate, which was permitted without conditions on 9th June 2020

### 1.4 Procedural Issues

1.4.1 This application was subject to a second re-neighbour notification process at the end of November, re-notifying all third parties contacted by the original notification process, to allow them to comment on amended drawings after a redesign and the proposed addition of lighting columns and bulkhead lights.

1.4.2 Scottish Water was consulted and indicated that sewer infrastructure to the south of the site will need to be protected during the works. The applicant was put in touch with Scottish Water to enable satisfactory resolution of this issue. This notwithstanding, the matter is not considered to be a planning issue and has not formed part of the overall assessment of this application.

### 2.1 Assessment

2.1.1 The issues to be assessed against the Development Plan and other associated guidance are as follows:

- Principle of Development
- Design/Visual Impact
- Residential Amenity
- Potentially Contaminated Land
- Natural Heritage
- Access

### 2.2 Principle of Development

2.2.1 Policy 1, Part A, of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan.

2.2.2 As the proposal lies within the settlement boundary of Tayport as defined in the Adopted FIFEplan (2017) there is a presumption in favour of development subject to satisfactory details.

2.2.3 This area of land is identified as a Housing Opportunity site for flatted development of 10 units (listed as TAY002 in the Adopted FIFEplan 2017), having been put forward as such by the Trust. Prior to this, the site was shown as a Brownfield opportunity site in the Draft St Andrews & East Fife Local Plan (2005), and as a Housing site in both the finalised draft version of the St Andrews & East Fife Local Plan (2009) and the adopted version of that same plan (2012). The site has not seen a developer coming forward, however. As such, it is considered that the now proposed development is acceptable and would not be contrary to the development plan in this regard.

2.2.4 It has been noted in the Development Plan under the listing for Housing opportunity site TAY002 that a flood risk assessment would be required for this site. However, this requirement is made in the context of an application being made for housing. SEPA's standing advice focusses on 'persons or buildings' being at risk of flooding as a basis for flood risk assessment and consultation with SEPA, and a review of SEPA's mapping for the area reveals that the site is not potentially vulnerable to fluvial, coastal or pluvial flood risk. It is also noted that the proposal being for storage of boats significantly reduces the risk of flooding impacts. As such it is considered that the site does not require a Flood Risk Assessment.

2.2.5 Representations have been received objecting to the application on the grounds that a change of use has not been applied for, regarding either the storage of boats or the formation of the proposed footpaths. A concern was expressed that the supporting statement portrays inaccurate or misleading information about the land use history of the site. Concern was expressed that the land has been sitting idle for multiple years and that the Trust has not looked after the site. A concern was also expressed that the development would result in a loss of green space.

2.2.6 The applicant submitted the following statement in support of their application: "the Police have been consulted by the Harbour Trust in relation to all security measures and advice taken. Over the last year several boats have been broken into resulting in theft and vandalism. Our principal hardstanding boat storage area is insecure and very challenging to fence in/secure the perimeter. As a result we have recently been experiencing difficulties with theft...and vandalism." They stated that the application "will allow Tayport Harbour Trust to properly develop our area of waste land with correctly designed and installed security gate & fencing and vastly improve our ability to store boats securely enabling access to the water for the community." They also stated that "The proposed compound will enable the Trust to accommodate smaller sailing boats, motor boats, rowing skiffs and other water craft who require access to the slipway to launch into the water. The purpose being to encourage and develop wider community participation and access."

2.2.7 Pre-application discussions were held with the Tayport Harbour Trust regarding whether a change of use application is required. The Trust has taken a position that this is not a change of use application and have submitted a supporting statement to this effect. The supporting statement included documentation evidencing that the site has been set aside for boat storage. This planning department is satisfied with the accuracy of the information submitted. This included evidence of the original title deed from when the land was sold to the Trust by its former owner Donaldson's Timber in the 1980's, and an email from Thornton's solicitors verifying that the submitted deed describes the site as "boat storage area." Historic photos from the mid 1970's show that prior to the purchase by the Trust the area was used for boat storage. In an addendum to the supporting statement, the Trust also made the following statements: 1. Mooring weights and chains are currently stored on the site. 2. The area was used for handling of the old pontoons removed to allow the new pontoons to be installed in the winter of 2017/2018. 3. The Trust has engaged in summer maintenance of the area over the last 10-year period - most recently

overgrowth/grass/weeds in the summer of 2020. 4. The footpath around the west perimeter was formed with gravel in recent years. 5. Scottish Water on behalf of the Trust carried out operations to lower the level of the several man-hole covers to enable its continuation of use.

2.2.8 From the evidence submitted, it is considered that the existing lawful use of the site in the 1970's and 1980's was as a boat storage area, both before and after the purchase of the land by the Trust.

2.2.9 An existing lawful use cannot be lost unless it is established that the land has been formally abandoned. Historic Case law (*The Trustees of Castell-y-Mynach Estate v Taff-Ely BC [1985]*) has established that assessment as to whether a use has been abandoned must be made against four criteria. These are: (1) the physical condition of the buildings/site; (2) the period of non-use; (3) whether there has been any other use; and (4) the owner's intentions.

2.2.10 An assessment of this application site regarding the four criteria of abandonment must therefore be made. 1) Regarding the physical condition of the site, it is accepted that the Trust has engaged in site maintenance for at least the last 10 years, that gravel for the footpath on the western perimeter was laid in recent years, and that area of the site retain elements of hardstanding that can and have been used for storage works relating to the harbour area. 2) Regarding the period of non-use, from evidence submitted it is accepted that the land was used for boat storage for a significant period of time until at least the 1980's and that the site has been used for functions related to harbour maintenance and drainage maintenance (new pontoon installation and Scottish Water maintenance) in recent years. 3) Regarding whether there has been any other use, no evidence has been received that the site has been put to any other formal use that would contravene its existing lawful use in the intervening period. It is also noted that no other formal planning application history for the site was found in council records. 4) Regarding the owner's intentions, it is noted that in the 2000's and into the 2010's the applicants were proactive in seeking to find a housing developer for the site, which reveals that the owner's intent was not to abandon the site during that period but rather to find an alternative use for it. The fact that no development came forward (and that no formal change of use was therefore applied for or permitted) does not undermine the owner's ongoing proactive intent. Furthermore, it is considered that regarding maintenance the owner's intent has also been established. In light of the fact that other development has not emerged, it is noted that the owners now wish to continue with the existing lawful use. While it is acknowledged that the land has been crossed by pedestrians informally for several years and also for incidental amenity purposes, taking all of the above into account it is considered on balance that the site has not been formally abandoned (in the terms laid out in section 2.2.7 above). It is consequently also considered that the site retains its existing lawful use as a boat storage area, and no change of use application is therefore required.

2.2.11 Although the site is rightly considered to retain its existing lawful use, it is also noted that pedestrians have been able to cross the site for more than 10 years. A path has been established along the western perimeter to facilitate this. Works now proposed would enable members of the public to continue to cross the site along this route. It is therefore also considered that a change of use application is not required for this aspect of the application.

2.2.12 In light of the above, it is considered that the site retains its existing lawful use as a boat storage area (and partially as a footpath), and that a change of use application is not required in this instance.

2.2.13 The application site is not designated as greenspace in the local development plan. It consists largely of hardstanding and gravel with patches of self-seeded scrub vegetation and weeds. It is therefore not considered that this area of land can rightly be understood to be greenspace in either physical or policy terms, and therefore an assessment for loss of greenspace is not required. It is furthermore noted that Tayport Common lies an accessible distance (250m) from the site.

2.2.14 In light of the above and having established that a change of use application is not required, because the proposal lies within the settlement boundary of Tayport as defined in the Adopted FIFEplan (2017) there is a presumption in favour of development subject to satisfactory details. The proposal is for the storage of boats, which in simple land-use terms is compatible with the predominantly residential nature of the surrounding area. It is therefore considered that the development is therefore acceptable in principle.

2.2.15 It is concluded that the proposal would therefore comply with the Development Plan in this respect and would be acceptable. The overall acceptability of such a development must, however, also meet other policy criteria and these issues are considered in detail below.

### 2.3 Design/Visual Impact

2.3.1 SPP (2014), the Adopted FIFEplan (2017) policies 1, 10 and 14 and Making Fife's Places apply. Scottish Planning Policy advises that planning should take every opportunity to create high quality places by taking a design-led approach and planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful places. These six qualities are distinctive; safe and pleasant; welcoming; adaptable; resource efficient and easy to move around and beyond. Emphasis should be placed on design that provides a sense of place and which takes the context of the surrounding area into account. This advice is mirrored within FIFEPlan Policy 14 and Making Fife's Places which require a high quality of design in order to create successful places. FIFEPlan Policy 10: Amenity states that development proposals must demonstrate that they will not have a significant detrimental impact on amenity in relation to the visual impact on the surrounding area.

2.3.2. It is proposed to erect a 2.4m high vertically-slatted larch timber fencing around the site, with a natural finish left to weather. A new path is also proposed (approx. 2m wide), formed of the Existing Type 1 well compacted with whin dust rolled in. Four lighting columns and four bulkhead lights fitted to the fence on the footpath side are proposed along the west perimeter fencing. Within the compound the columns would be 3m high standards. The lighting mounted on the fencing would be 15-watt LED lamps (27.5cm x18.5cm x7.5cm). Planting to enhance bio-diversity is proposed along the north and east-facing fencing.

2.3.3 Representations were received objecting to the application on grounds of design and visual amenity. One representation acknowledged that the area as existing is unkempt and an eyesore. However, an objection was received regarding: the proposed height of the fencing (2.4m) in terms of visual amenity. Objections queried the necessity of the originally proposed (but now removed) path between the Foundry Lane and the area of private parking serving nearby housing that leads to Harbour Road. Concern was also expressed about the potential that the hardstanding proposed within the storage area would be used for the purposes of car-parking, and with regard to the size of boats to be stored on site. Concern was expressed that the design of the western footpath creates blind corners, which, combined with a lack of lighting may impact the safety of pedestrians crossing the site. After lighting was added to proposals to increase pedestrian safety at night, a

representation was submitted stating that "if lights were installed, they would throw more shadows over the proposed paths, making it more unsafe to walk along them."

2.3.4 The Trust stated that "the Police have been consulted by the Harbour Trust in relation to all security measures and advice taken. Over the last year several boats have been broken into resulting in theft and vandalism. Our principal hardstanding boat storage area is insecure and very challenging in order to fence in/secure the perimeter. As a result we have recently been experiencing difficulties with theft...and vandalism." It is accepted that such precautions are reasonable and justified for this site where boats will be stored.

2.3.5 Discussions were held with the applicant regarding the layout of the footpaths, how easy and safe it would be for pedestrians to move through the area, the height of the fence in terms of visual amenity and the nature of any car-parking proposed. Discussions were also held regarding the need for biodiversity uplift. As a result, amended drawings were submitted proposing bulkhead and columnar lighting proposed to appropriately illuminate the western path at night, as well as planting along the north and east boundaries of the site for biodiversity uplift. Amended drawings reduced the originally proposed two footpaths to just one, along the western perimeter of the site.

2.3.6 A supporting statement was submitted by the applicant stating that notwithstanding the mention of car-parking in the initial application form, there was no intent to use the site for formal overnight car-parking in future. They stated that "any parking will be of a temporary nature, vehicles do require to be used to move boats from the compound to the slipway and back and for delivery purposes. Currently regular vehicle access to the slipways is by way of the council parking area by the river entrance to the harbour." This position has been reflected in the title that has been applied to this consent, which does not include car-parking as a proposed use. Because the applicant has stated that cars would only be used (as existing) to recover and launch small boats and dinghies from the existing harbour ramp to the north of the site, and manoeuvre these boats into position within the storage area now proposed, the proposal is acceptable in this regard.

2.3.7 Regarding the height of the proposed timber fences, it is noted that existing boundary treatment around the site is for the most part 1.8m tall and formed of a variety of materials including timber. Although it is acknowledged that the proposed fence is taller than existing boundary treatment, the height difference of approx. 60cm is not considered significant in design terms, when taking into account that the majority of the proposed boundary treatment would not be located immediately adjacent to the curtilages of existing properties, because of the set back from the curtilages neighbouring properties required by the 2m width of the proposed footpath. Regarding the short stretch of fencing alongside the residential flats to the north-east of the application site, while it is acknowledged that fencing here would change the existing open boundary with the neighbouring property at this location, it is also noted that this boundary is already defined by an existing brick-built bin store approx. 1.5m in height for the length of the gable elevation of the flatted block at this point. It is also noted that the proposed fence would be situated on the far side of this bin-store from the existing flats, leaving a set-back of around 3.5m in total. Additionally, planting is proposed along this stretch of fencing which would soften its impact. As such it is considered on balance that the height of the proposed fencing is acceptable in design terms and would not overly-dominate the surrounding area.

2.3.8 In terms of visual amenity, proposed materials are acceptable because it matches the significant amount of existing timber boundary fencing already erected in the surrounding area. It is considered that the proposed native species planting would soften the overall impact of the new fencing on its key public facing north and east-facing elevations. Overall, the proposal would therefore be acceptable in terms of visual amenity. This assessment has taken into account the

fact that it is only proposed to store small boats in the storage area, and the fact that the existing site does not itself offer a positive impact visually.

2.3.9 Regarding the design of the footpath and issues of safety for pedestrians crossing the site, it is noted first of all that a path already crosses the western boundary of the site. This means that submitted proposals largely sustain the existing situation in this regard. Overall, the design of the footpaths from Foundry Lane is acceptable on the grounds that Making Fife's Places generally encourages site permeability and pedestrian access through and between areas of residential development, making areas easy to move around and beyond as encouraged by the SPP and the six qualities of successful places. It is noted that the pathways would be utilised existing hardcore compacted with whin dust, which is acceptable in terms of materials. Regarding the route of the western path, it is noted that it is already overlooked from the west and north by properties 1.5 to 2 stories tall, meaning that the whole length of this path would be overlooked by neighbouring properties. Furthermore, the length of the additional sections of path is approx. 65m, which is considered to be a relatively short stretch in terms of walking distance. Amended proposals for bulkhead lighting along the path along with the columnar lighting of the courtyard would illuminate the path along the western perimeter, designed to increase the safety of pedestrians at night (and addressing the concern made by representation in this regard). It is considered that the lighting layout and intensity would not dazzle or create pockets of darkness in a way that would create a significant detrimental impact and is therefore acceptable. It is also noted that if pedestrians have any concerns about walking along the western path, they can choose to walk around the wider perimeter of the residential area via Roland's Wynd, avoiding the development site entirely. As a result, it is not considered that the design of the footpaths would generate significant additional safety issues for pedestrians crossing the site compared to the existing situation.

2.3.10 While it is noted that the proposed fencing configuration would prevent rear access from the garden of 18/20 MacDuff Drive, this issue would be a civil matter and cannot be taken into account in this planning application.

2.3.11 In summary, it is considered on balance that these proposals are acceptable because the path would be further delineated and reinforced, lighting would improve safety at night, and the site would remain suitably permeable to pedestrians. A condition to ensure the maintenance of the bulkhead lighting for the lifetime of the development is nonetheless recommended, and well as standard conditions to ensure the proper implementation and maintenance of the proposed planting scheme.

2.3.12 It is therefore considered that in terms of design, layout, form, scale, materials and finishings, the proposal is acceptable and in compliance with the Development Plan and associated guidance, subject to condition. The proposal would have no significant detrimental impact on the appearance of the surrounding public streetscene or neighbouring adjacent properties.

## 2.4 Residential Amenity

2.4.1 PAN 51 - Planning, Environmental Protection and Regulation, Policy 1 and 10 of the FIFEplan and Fife Council's Planning Customer Guidelines on Daylight and Sunlight apply. In terms of light pollution, PAN 51: Annex (Environmental Protection Regimes) advises on the consideration of light-generating proposals in relation to residential amenity. Policy 10 of FIFEplan states that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected. Fife Council's

Planning Customer Guidelines on Daylight and Sunlight advise that new development should not lead to the loss of sunlight and daylight.

2.4.2 Fencing would be erected across the site and the compound used for storing small boats. Four lighting columns and four bulkhead lights fitted to the fence on the footpath side are proposed along the west perimeter fencing, consisting of photocell switched security lighting which would illuminate at dusk and switch off at dawn. Within the compound the columns would be 3m high standards with down-facing 30-watt LED lamps emitting white light. The lighting mounted on the fencing would be 15-watt LED lamps, also emitting white light. This lighting will not be adopted by the council.

2.4.3 Representations were received objecting to this application for the following reasons: 1) potential overshadowing of neighbouring residential properties, 2) potential noise impact from wind blowing through unsecured rigging of stored boats, 3) potential noise and privacy impact of pedestrian traffic on the proposed footpath(s) affecting surrounding residential properties, 4) potential noise impact of traffic manoeuvring boats in the storage area or maintenance works being carried out on boats and 5) a concern that proposed lighting would impact on the amenity of nearby residents.

2.4.4 Regarding the potential noise impact from wind and rigging, confirmation was received from the Tayport Harbour Trust that boats would be stowed with their masts down and rigging secured. The applicant stated that the "small sailing craft will have the rigging frapped and tied down to mitigate loose ropes from flapping in the wind. The compound area is better protected from the prevailing wind by the surrounding buildings."

2.4.5 Fife Council's Environmental Health (Public Protection) team was consulted regarding this application and stated in light of the commitment by the Trust regarding stowage that they had no objection to the application. However, with regard to boats stored in the proposed compound it is recommended that masts be lowered and rigging, halyards etc. be secured to reduce the likelihood of causing noise nuisance to nearby residential property. In addition, it was recommended that any lighting associated with the proposed development be aligned/installed so as not to adversely affect road traffic or neighbouring properties. They went on to state that should this planning application be successful, if after completion of the development, complaints of nuisance are received by the Environmental Health (Public Protection) Team, the team are duty bound to investigate. If nuisance is established, then works/further works may be required to abate the nuisance.

2.4.6 The development would result in the increase in height of the existing boundary fence of approx. 0.6m, potentially impacting the amenity of surrounding residential properties. Given the orientation of the proposed boundary fence, the prevailing sun-path, the set-back of between 2m and 3.5m established between surrounding curtilages and new fencing as a result of the proposed footpath to the west and the location of the existing bin store, and the relatively small increase in height of the proposed fence compared to predominant existing height of surrounding boundary treatment (1.8m tall), it is considered that there would be no significant additional overshadowing as a result of this development.

2.4.7 Because of the commitment from the Trust regarding stowage of boats, indicating compliance with the request from the Environmental Health team, it is considered that there would be no significant detrimental impact regarding noise generated by wind and boat stowage. It is noted, however, that if after completion of the development, complaints of nuisance are received



by the Environmental Health (Public Protection) Team, the team are duty bound to investigate. If nuisance is established, then works / further works may be required to abate the nuisance.

2.4.8 It is considered that the manoeuvring of boats in the storage area would happen during working hours only, and that taking into account manoeuvres taking place in the existing car-parking area to the east of the site there would be no significant increased noise impact in this regard because of the low speeds involved. Regarding potential impact of pedestrian traffic through the site on proposed footpaths, it is noted first of all that the originally proposed footpath to the south of the site has been removed in resubmitted drawings, meaning that any potential impact on properties of MacDuff Drive has been removed. It is also noted that the public can already freely move across this site, and that all surrounding curtilages are already fenced or walled off from the proposed path of the western footpath, providing mitigation in this regard. It is therefore considered that there would be no significant additional detrimental noise or privacy impact in this regard. This assessment takes into account that the planning system cannot control any potential future anti-social behaviour on the site, which would be a Police matter in the eventuality that this occurs.

2.4.9 Proposed lighting would be white light as is generally required by policy, with a wattage of 15W for the bulkhead lights and 30W (downlit) for the lighting standards. This lighting would increase safety for pedestrians at night (see section 2.3 above), as well as improving security for the boating compound. It is noted that the Environmental Health (Public Protection) team did not object, but that they expect any lighting associated with the proposed development be aligned/ installed so as not to adversely affect neighbouring properties. It is considered therefore that the proposed lighting would be acceptable, subject to a condition requiring the developer to make appropriate future adjustments if required at the request of this Planning Department, in consultation with the Environmental Health team. A condition is also recommended to ensure that proposed bulkhead lighting is maintained by the developer for the lifetime of the development.

2.4.10 In light of the above it is considered that the proposal is acceptable and in compliance with the Development Plan and relevant policies and guidelines regarding residential amenity, subject to conditions.

## 2.5 Potentially Contaminated Land

2.5.1 PAN33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. Policy 10 of the Adopted FIFEplan advises development proposals will only be supported where there is no significant detrimental impact on amenity in relation to contaminated land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.5.2 Fife Council's Land and Air Quality team were consulted regarding these proposals. They considered that because of the location and nature of the development there was a low risk of detrimental impact, stating that while the site appears to have included former railway land the proposal is of low sensitivity, comprising the erection of fencing, gates and hardstanding. They therefore made no objection or comment.

2.5.3 In light of the above it is considered that the proposal complies with the local development plan and associated guidance regarding potentially contaminated land.

## 2.6 Natural Heritage

2.6.1 Fife Plan Policy 13: Natural Environment & Access supports new developments where they protect or enhance natural heritage assets including green networks. Where adverse impacts on existing assets are unavoidable, the policy offers support only where the impacts will be satisfactorily mitigated. Making Fife's Places Planning Policy Guidance sets out development principles and design guidance for the provision and enhancement of green infrastructure.

2.6.2 Representations were received objecting to the application expressing concerns regarding the potential impact on biodiversity of the development.

2.6.3 Fife Council's Natural Heritage Officer was consulted and requested that mitigation/evidence of biodiversity uplift be provided in line with guidance in Making Fife's Places.

2.6.4 The applicant submitted an amended site plan providing native species planting along the boundary of the development site, which is considered acceptable in this regard. Conditions have been recommended to ensure that this planting is implemented and maintained accordingly.

2.6.5 In light of the above it is considered that subject to conditions the proposal complies with the local development plan and associated guidance with regard to natural heritage, subject to condition.

## 2.7 Access

2.7.1 Policy 13 - Natural Environment and Access of the Adopted FIFE Plan (2017) applies. Policy 13 states that development proposals will only be supported where they protect or enhance natural heritage and access assets including core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation. Proposals are required to safeguard (keep open and free from obstruction) core paths, existing rights of way, established footpaths, cycleways, bridleways and access to water-based recreation. Where development affects such a route it must be suitably re-routed before the development commences, or before the existing route is removed from use.

2.7.2 The existing core path, cycle path and Fife Coastal Path network circumvent the site but do not cross it. Scottish Water underground infrastructure is located within the southern part of the development site.

2.7.3 Representations were received objecting to the application in this regard, covering the following topics: 1) a concern that Scottish Water have not been consulted. 2) a concern that people cross the site to gain access to local shops and amenities and that losing/diverting the existing desire lines would inconvenience local people. 3) a concern that the development would impact on the Fife Coastal Path.

2.7.4 There is no record of any right of way crossing the site according to council mapping data, but it is noted that existing desire lines do cross the site. The existing core path, cycle path and Fife Coastal Path network circumvent the site along Harbour Road and the edge of the harbour area to the north, rather than crossing the site, and would therefore not be impacted by the development. Mapping does show a 'local leaflet path' passing along MacDuff Drive, turning to pass between the residential properties at no's 10/12 and 14/16 MacDuff Drive and thence along the eastern boundary of the application site. However, on visiting the site it was clear that the

alleged route of this path has been blocked by subsequent development, meaning that this legacy route has been discounted with regards to this planning assessment. It is noted that the proposal includes provision for a footpath to cross the western perimeter of the site, making it permeable and allowing for the public to continue to cross to Foundry Lane from the north of the site. It is therefore considered that the development is acceptable in this regard.

2.7.5 Scottish Water was consulted and stated that the applicant should contact them regarding arrangements to ensure that their assets are protected during development operations. The applicant was put in touch with Scottish Water as a result. However, this is considered to be a civil matter and this issue has not therefore been assessed as part of this planning application.

2.7.6 In light of the above, it is therefore considered that the application meets the provisions of national guidance and the Development Plan regarding access.

## CONSULTATIONS

Environmental Health (Public Protection)	No objection
Land And Air Quality, Protective Services	No objection
Built Heritage, Planning Services	No objection
Asset And Facilities Management Services	No comment
Parks Development And Countryside - Rights Of Way/Access	No comment
Natural Heritage, Planning Services	No objection
Scottish Water	No objection

## REPRESENTATIONS

Representations were made by seven interested parties objecting to the application. Two of these same interested parties also submitted additional representations when the application was re-neighbour notified (after the addition of lighting to the proposals). Overall, these objections raised concerns regarding whether a change of use application is required (see section 2.2), visual impact (see section 2.3), noise, privacy and overshadowing impacts (see section 2.4), biodiversity (see section 2.6) and access (see section 2.7), which have been dealt with in the Report of Handling above.

Other issues raised by representation not covered in the report of handling above include:

- an objection regarding public access to a supporting statement document during the original neighbour notification process, and the potential impact this may have had regarding the ability of representatives to comment on the application, and specifically on the issue of whether it is a change of use. This supporting statement document was temporarily removed from public view from 7th October 2020 at the request of the agent. They had been notified of a potential copyright issue regarding one of the photos submitted as evidence and felt obliged to address this. This document nevertheless remained generally as part of the case officer's overall assessment and was made public again on 27th October, when the copyright issue was resolved. The document was therefore not available for view for 3 days during the initial neighbour notification process (from 7th October to 9th October, with the 9th being the last date on which representations could be made). It should be noted that the detailed site plan of the proposals remained live at all points

for neighbours to see what was proposed. The above notwithstanding, concerns were nevertheless raised by representation regarding whether a change of use has occurred (including by the person who raised this specific concern), and this issue has been fully assessed as detailed in section 2.2 above. Furthermore, after a redesign of the proposal and inclusion of proposed lighting, a re-neighbour-notification process consulting all those original notified occurred from the end of November. The supporting statement was by this time fully public once again, allowing for further comment by the public.

- objections regarding the ownership of the land covered by this planning application. One comment stated that Dundee Council owns the land not the Harbour Trust, citing as evidence that the representative's neighbour told them this was the case. A request was also made the evidence of the Land Registry documents be submitted. Response: Planning consent can be issued for any land even if that land is not in the direct ownership of the applicant, subject to the owner being informed of the application (which is the responsibility of the applicant). For this application, however, the Planning department is in receipt of a land ownership certificate stating that the Tayport Harbour Trust owns this land, as well as a title plan for the site from when it was sold to the Trust. We are therefore obliged to accept this at face value, not being in receipt of any concrete evidence to the contrary. Should land ownership of any part of the application site be legally contested at a future point, the implementation of this planning consent may be prevented as a result. Third party objectors concerned to see further documentation from the Land Registry may apply directly to the Land Registry for that information.

- an objection that physical site notices have not been erected for this planning application: legislation requires that physical site notices be posted only when a development is located in a conservation area, or may impact a listed building or the setting of a listed building, none of which is the case regarding this application.

- an objection regarding the potential construction impact on the structure of surrounding houses as a result of implementing the development: potential impacts of this type are not a matter that can be controlled by the planning system and has therefore not formed part of this assessment. However, it is noted that the formation of fencing and footpaths are generally considered low-impact forms of construction requiring little to no groundworks and are therefore unlikely to cause any structural damage to the structural foundations of surrounding residential properties. Furthermore, the applicant has stated the following in this regard: "the erection of the fence will not require the use of any large plant, the proposed fence works will be largely carried out by hand causing no disturbance to adjoining property or ground. A mini digger may be briefly required for the fence gate posts, this being distant from neighbouring property."

- objections that the development would cause a loss of view for visitors and surrounding residents. Loss of view is not a material consideration that can be taken into account in this planning assessment.

- an objection that Covid-19 restrictions may have affected the community council's ability to assess and comment on the application: this development was on the list of developments routinely passed to Tayport Community Council, lying as it does in the area under their purview. Community Councils have undertaken to adapt their own processes as they see fit as a result of Covid-19 restrictions. They made no request to become a statutory consultee and also made no representation.

- an objection regarding the charitable status of the Trust and their works in relationship to the local community. This is not an issue that can be assessed as part of this planning application.

## CONCLUSIONS

This proposal for the erection of boundary fencing, gate and lighting and formation of footpath is considered to be acceptable, complying with the Development Plan and associated policies and guidance. The proposal would have no significant detrimental impact on the surrounding area or streetscene in terms of design and visual amenity, residential amenity, potentially contaminated land, access and natural heritage.

## RECOMMENDATION

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

1. The landscaping scheme as detailed in drawing 2C hereby approved shall be implemented within the first planting season following the completion or occupation of the development hereby approved, whichever is the sooner.

Reason: In the interests of visual amenity and effective landscape management

2. 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.

3. The lighting hereby approved shall not generate light levels exceeding 50 lux when measured at the boundary of the site and neighbouring third-party properties. Any complaints received regarding excessive light spillage shall be investigated by the light unit operator and a light luminance level report with appropriate mitigation measures included shall be submitted to this planning authority for further final approval. Thereafter, all approved necessary adjustments required as a result of this assessment shall be made to the satisfaction of this planning authority within 3 months of the further approval, unless otherwise agreed in writing with this planning authority.

Reason: In the interests of protecting residential amenity and avoiding unnecessary light pollution within the local area.

4. The bulkhead-fitting 15-watt LED lights hereby approved shall be maintained in full working order for the lifetime of the development.

Reason: In the interests of pedestrian safety, to ensure that the proposed perimeter pathway is safe and pleasant according to the six qualities of successful places detailed in the SPP.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

National Guidance:

Scottish Planning Policy (2020)

Development Plan:

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

Other Guidelines

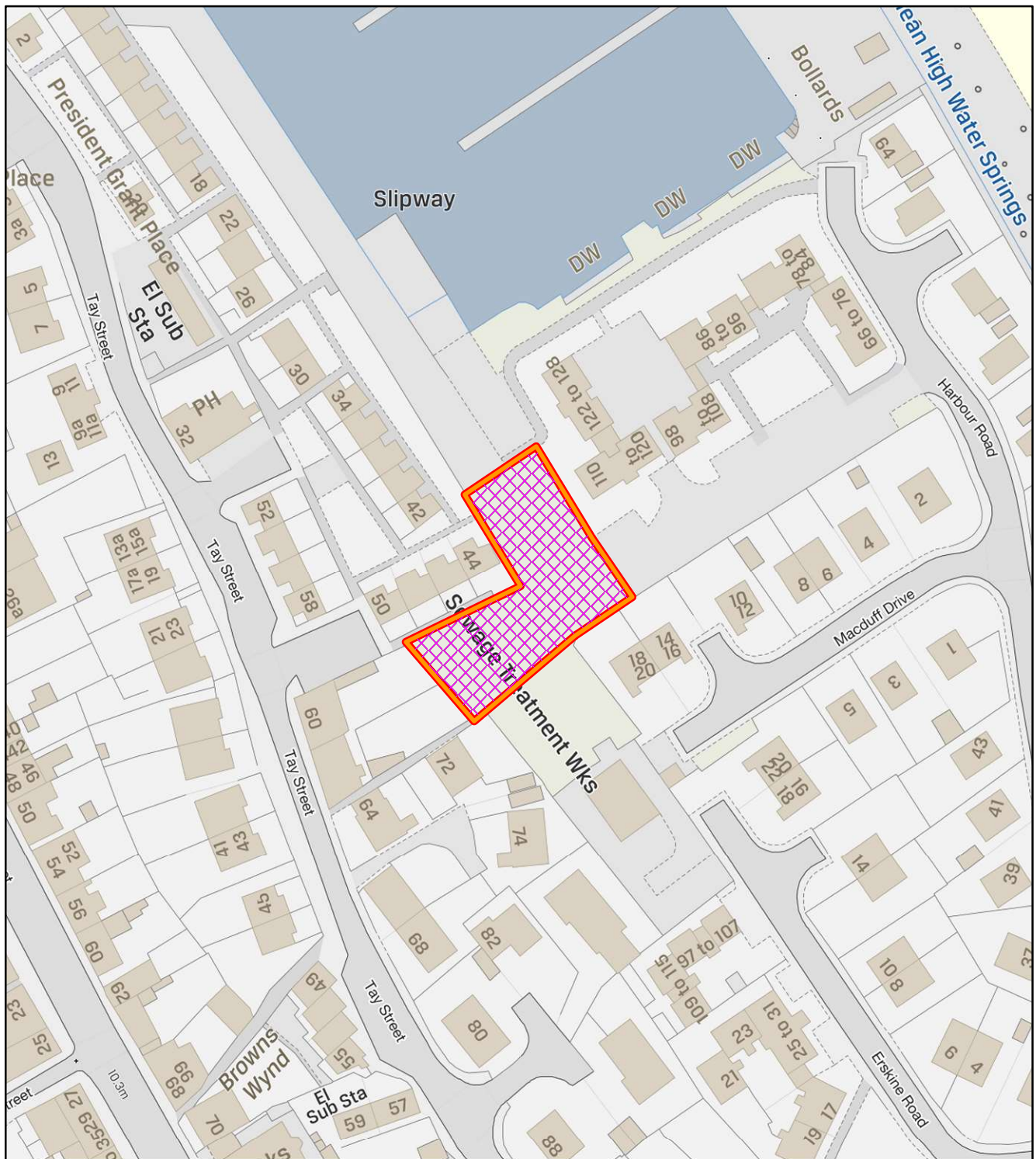
Fife Council's Planning Customer Guidelines on Daylight and Sunlight

Report prepared by Paul Ede, Graduate Planner

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 29/1/21.

Date Printed 14/12/2020

## Tayport Harbour Harbour Road Tayport



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 5****APPLICATION FOR FULL PLANNING PERMISSION REF: 20/01881/FULL****SITE ADDRESS: 13 KINKELL TERRACE ST ANDREWS FIFE****PROPOSAL: ERECTION OF OUTBUILDING TO REAR OF DWELLINGHOUSE****APPLICANT: MR AND MRS GIBSON  
21 WESTGARTH AVENUE COLINTON EDINBURGH****WARD NO: W5R18  
St. Andrews****CASE OFFICER: Stacey Wotherspoon****DATE REGISTERED: 01/09/2020****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 letters of representation have been received in relation to this application and the officers recommendation is contrary to this.

This application has been continued from the previous meeting of the North East Planning Committee on the 13<sup>th</sup> of January 2021 to investigate and remedy any potential issues or inaccuracies within this report. This report has since been reviewed and the Planning Service is satisfied that it accurately reflects and fully assesses the application.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Unconditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

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.



## **1.0 BACKGROUND**

1.1 This application relates to a single storey detached dwelling house located within an established residential area of St Andrews, which currently operates as a HMO and has done for some time. Finishing materials of this property include concrete roof tiles, wet dash render, and white uPVC windows and brown uPVC doors, with the front elevation of the property partially finished with brickwork. There are a mix of property types in the surrounding area, however, they follow a similar architectural form. The immediate area mostly consists of semi-detached and terraced properties with a mix of single storey and two-storey designs. The property currently has garden ground to the front, side, and rear, and is bound by walls, fencing and hedges.

1.2 This application is seeking full planning permission for an outbuilding within the rear garden ground of the property to accommodate a home office, as well as a bedroom for visiting friends and family. The proposed works have already begun on site.

1.3 Planning history for this property includes;

- 06/00652/EFULL - Extension and dormer extensions to dwelling house - Permitted 15.05.2006

1.4 A physical site visit has not been undertaken. All necessary information has been collated digitally to allow the full consideration and assessment of the application. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

## **2.0 POLICY ASSESSMENT**

2.0.1 The issues which are to be assessed against the Adopted FIFEplan 2017 policies and other related guidance are as follows:

- Principle of Development (House of Multiple Occupancy (HMO))
- Design and Visual Impact
- Residential Amenity Impact
- Road Safety Impact

### **2.1 Principle of Development**

2.1.1 Scottish Planning Policy (SPP) and Policies 1 and 2 of the Adopted FIFEplan (2017) set out the requirements for the principle of the development with regard to this application.

2.1.2 The Scottish Government's SPP advises that development for new residential units should be concentrated within existing settlements and encourages the re-use of redundant or vacant buildings and the re-use of brownfield sites. The document also aims to promote high quality design and the protection of the existing urban character. The current proposal is assessed on the basis of a domestic outbuilding.

2.1.3 Policy 1, Part A, of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan Team. Policy 2 of FIFEplan states that Houses in Multiple Occupancy (HMO) will not be supported if it is a new dwelling, unless purpose built for

HMO use; or it is the conversion of an existing building in an area where restrictions on HMOs are in place. In terms of planning, the current proposal is not for a change of use to an HMO.

2.1.4 It is noted that Fife Council's HMO Overprovision Policy (2019) was agreed by Fife Council Community & Housing Services Committee which means, in principle, that there will be no further growth in HMO's in the defined boundary of the St Andrews area (this boundary includes the whole of the settlement envelope). The policy will apply to new planning application or proposals for change of use of existing properties and does not affect the availability and operation of HMOs already with the benefit of planning permission. The current use of the property as an HMO did not require planning permission as it is for less than 6 people

2.1.5 An HMO License for the main dwelling house was granted and has been maintained since 2011. The current proposal does not propose any formal changes to the level of HMO use in terms of capacity. Planning permission is not required for dwelling houses to operate as HMOs unless there are more than 5 residents living together. If the house owner proposed to increase the number of residents by 1 person this would require a new HMO licence application. If the property were occupied by 6 or more unrelated residents, then a formal planning application would be required for change of use to a HMO. Thus, the proposed development would comply with Policies 1 and 2 of FIFEplan in terms of outbuildings within the curtilage of domestic properties. The overall acceptability of any such development must however also satisfy other relevant Development Plan policy criteria as identified within this report.

## **2.2 Design and Visual Impact**

2.2.1 FIFEplan Local Development Plan (2017) Policies 1 and 10 and Fife Council Customer Guidelines on Home Extensions (including garages and conservatories) (2016) apply with regard to the design and visual impact of the proposal.

2.2.2 FIFEplan 2017 Policy 10 requires that development must not lead to a detrimental visual impact on the surrounding area and Fife Council Planning Customer Guidelines on Home Extensions reinforce that any proposed development should not dominate or detract from neighbouring development, be subsidiary to the existing dwelling house, respect existing materials and reflect the style of the original build.

2.2.3 The proposed outbuilding would have a footprint of approximately 37 square metres, and the height of the outbuilding would measure approximately 3 metres. The proposed extension would be finished with a Sedum Green flat roofing system, vertical Cedar cladding with a natural finish, and grey uPVC windows and doors. Neighbours have expressed concerns that the proposed works would not be in keeping with the surrounding area, however the scale of the outbuilding and the proposed finishing materials would be sympathetic to the property and its surroundings, and therefore it is not considered to create an overbearing visual impact to the property. The outbuilding would be positioned to the rear of the garden which is bound by tall hedging and fences, and the choice of natural finishing materials to the roof and cladding will further allow the proposed outbuilding to blend in with its surroundings. Additionally, the proposed outbuilding would be located to the rear of the dwellinghouse where it would be partially visible from a public road, however due to the size of the property and the existing boundary treatments, it is considered that it would not have a detrimental visual impact to the public street scene.

2.2.4 It is therefore considered that by way of scale, design and external finishing materials, the proposed works would not have a detrimental visual impact on the existing property, and therefore, would be deemed to comply with the relevant FIFEplan policies and Fife Council's Planning Customer Guidelines on Home Extensions (including garages and conservatories).

### **2.3 Residential Amenity Impact**

2.3.1 Policies 1 and 10 of the Adopted FIFEplan (2017), Fife Council Customer Guidelines on Daylight and Sunlight (2018) and Garden Ground (2016) apply in terms of residential amenity.

2.3.2 Policy 1 of the Adopted FIFEplan (2017) advise that a development proposal will be supported if it is in a location where the proposal use is supported by the Local Development Plan, and proposals address their individual and cumulative impacts. Policy 10 advises that development is required to be implemented in a manner that ensure that existing uses and the quality of life of those in the immediate area are not adversely affected by factors such as, (but not limited to) noise, potential losses of privacy, sunlight, or daylight etc. Fife Council Planning Customer Guidelines on Garden Ground recommends that a home extension should not reduce a garden's usefulness, reduce a neighbour's quality of life by blocking out the sun or harm the quality of the local environment. Fife Council Customer Guidelines on Daylight and Sunlight advises that the design of residential environments must seek to ensure that adequate levels of natural light can be achieved within new development and that unacceptable impacts on light to nearby properties are avoided.

2.3.3 The proposed outbuilding would introduce 1 no. door, 1 no. patio door, and 1 no. window to the west facing the main dwellinghouse, 1 no. window to the south, and 1 no. window to the east. Objectors have stressed concerns that the proposed works will be detrimental to the privacy currently enjoyed by neighbouring properties. In this instance, it is considered that there would be no significant additional overlooking/privacy issues than already exists from the proposed windows and doors as the views achievable here are already readily available from existing openings on the main property. The existing boundary treatments on site include tall hedging to the rear and northern (side) boundary, with fencing to the southern (side) boundary, which both would further obscure views into neighbouring properties and their respective gardens. Therefore, it can be deemed that this development would have no significant impact on privacy, and as such, would be compliant with Fife Council's Planning Customer Guidance on Home Extensions and Policy 10 of FIFEplan in regard to privacy issues.

2.3.4 In regard to daylight and sunlight, due to the path of the sun, distance to adjacent properties and the position of the proposed works, the proposals would not result in the loss of significant amounts of sunlight to neighbouring garden ground or daylight to neighbouring windows than already exists. On this basis the proposal would meet the terms of residential amenity as set out in the Local Development Plan policy and Fife Council's Planning Customer Guidelines on Home Extensions and Daylight and Sunlight respectively.

2.3.5 Fife Council Customer Guidelines on Garden Ground (2016) applies in this instance. Garden Ground guidelines advise that home extensions or outbuildings should not occupy more than 25% of the original private garden per dwelling house. Neighbours have raised concerns that the proposed outbuilding will lead to an overdevelopment of the property's garden ground due to the previous addition of the rear extension. This extension reduced the available garden ground to approximately 214 square meters, and combined with the proposed outbuilding, both developments (previous and proposed combined) would occupy approximately 24% of the

property's remaining garden ground. In light of the above, the proposed outbuilding would have no significant impact on the existing garden ground.

2.3.6 The proposal is considered acceptable in this respect in terms of overshadowing, overlooking and garden ground, would be compatible with its surrounds in terms of land use and would be in compliance with the Development Plan and relevant guidance.

## 2.4 Road Safety Impact

2.4.1 Policies 3 and 10 of FIFEplan applies in terms of road safety impact. These policies indicate development will only be supported where it has no road safety impacts. In this instance the policies will be applied to assess what impact the proposed development would have on the general road safety of the surrounding area. Making Fife's Places Transportation Development Guidelines also apply.

2.4.2 The property itself currently has 4 no. bedrooms, and the proposed outbuilding would introduce 1 no. additional bedroom within the curtilage of the dwellinghouse. Concerns have been raised by neighbours regarding the potential increase in the number of car parking spaces required for the property, and the risk of an increased number of on-street parking. Making Fife's Places Transportation Development Guidelines (2018) states that a 5-bedroom property must have provision for 3 no. off-street car parking spaces. A Block Plan was provided to show that the property currently has provision for 3 no. spaces within the curtilage of the property, and therefore the existing level of parking provision is considered sufficient in this case. In light of the above, the proposal is deemed to comply with FIFEplan policies and Making Fife's Places Transportation Development Guidelines (2018).

## CONSULTATIONS

Scottish Water

Scottish Water have no objections

## REPRESENTATIONS

12 letters of objection, including one from St. Andrews Community Council, have been received regarding this application. The issues of concern can be summarised as follows;

### House of Multiple Occupancy (HMO)

- Potential increase in the number of residents within the HMO

These issues have been considered and fully addressed within section 2.1 of this report.

### Impact upon Visual Amenity

- Potential overdevelopment of the site

- Not in keeping with the surroundings

- Creates a precedence for other properties

These issues have been considered and fully addressed within section 2.2 of this report.

### Impact upon Residential Amenity

- Impacts upon the privacy of neighbouring properties

- Increase in noise from the property

These issues have been considered and fully addressed within section 2.3 of this report.

### **Impact upon Road Safety**

- Existing levels of parking provision on site
- Additional strain on the public road

These issues have been considered and fully addressed within section 2.4 of this report.

### **Non-Material Concerns**

- Unauthorised building works

The Planning Authority is aware of these unauthorised works with any potential any enforcement action on hold pending the determination of this application. The applicant has been advised to stop works and that any further works are carried out at their own risk.

## **CONCLUSIONS**

The proposal is considered acceptable in terms of form, scale, layout, detailing and choice of materials. It would have no significant detrimental impact on the surrounding area and would create no significant overshadowing, overlooking or garden ground issues. Therefore, the proposal is considered to be compliant with FIFEplan Local Development Plan (2017) and other guidance.

## **RECOMMENDATION**

It is accordingly recommended that the application be approved unconditionally.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

### **Development Plan**

Adopted FIFEplan Development Plan (2017)

Making Fife's Places (2018)

Making Fife's Places Transportation Development Guidelines (2018)

### **Other Guidance**

Fife Council's Planning Customer Guidelines on Home Extensions (including conservatories and garages) (2016)

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

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

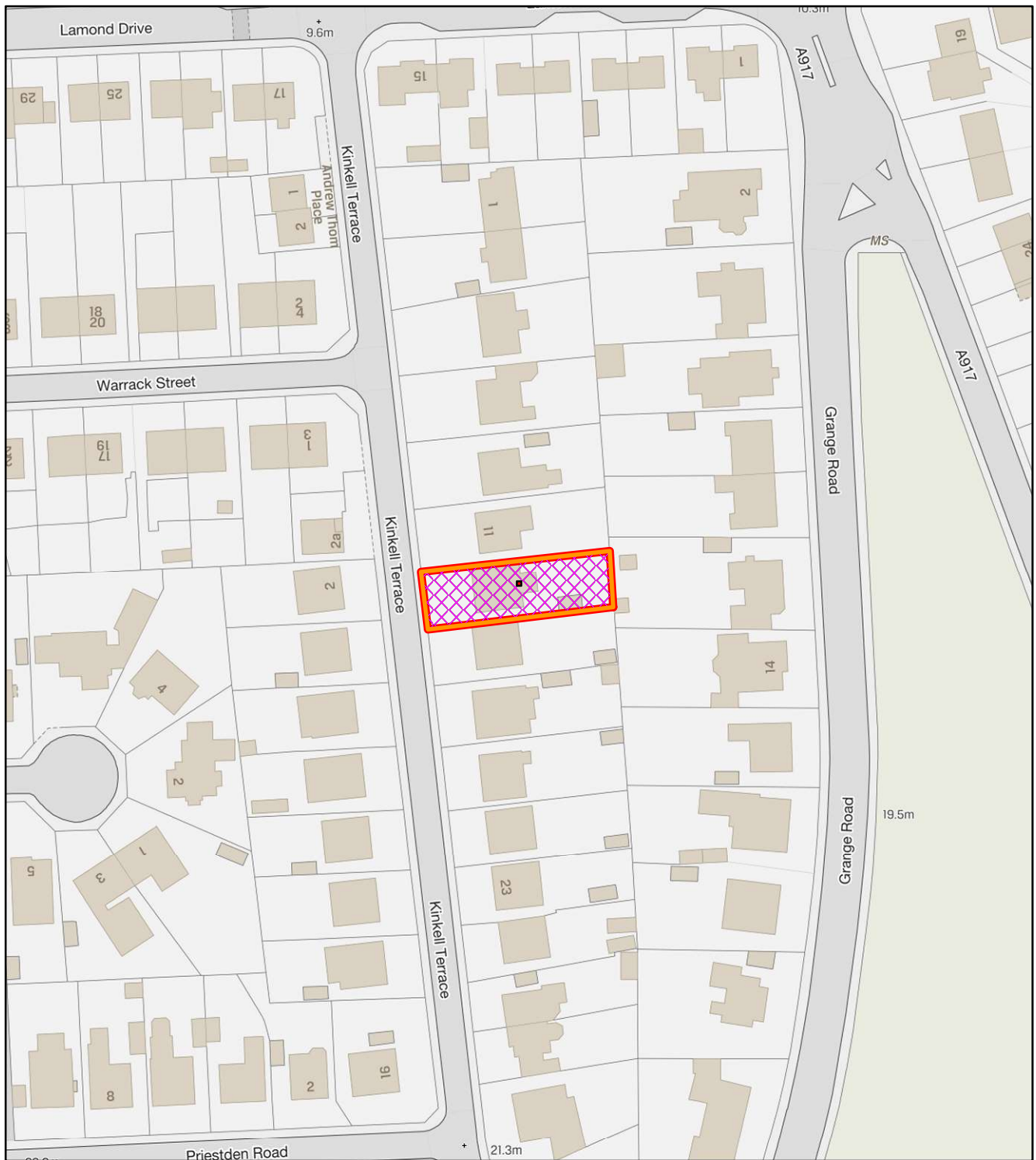
Report prepared by Stacey Wotherspoon, case officer

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 29/1/21

Date Printed 19/01/2021

# 20/01881/FULL

13 Kinkell Terrace St Andrews



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 6**

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE REF: 18/03578/PPP**

**SITE ADDRESS: LAND TO THE NORTH OF GRANGE ROAD EARLSFERRY**

**PROPOSAL : MAJOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED  
CAR PARKING, LANDSCAPING, DRAINAGE AND FORMATION  
OF NEW ACCESSSES**

**APPLICANT: TRUSTEES OF THE ELIE ESTATE TRUST  
PO BOX 55 DUNDEE**

**WARD NO: W5R19  
East Neuk And Landward**

**CASE OFFICER: Natasha Cockburn**

**DATE REGISTERED: 20/02/2019**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The application is defined as a Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

**SUMMARY RECOMMENDATION**

The application is recommended for: Conditional Approval Subject to Legal Agreement.

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL  
CONSIDERATIONS**

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. Under Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

## 1.0 BACKGROUND

### 1.1 Site Description

1.1.1 The application site relates to an area of approximately 8.18 ha and is bordered by houses along Grange Road, Ferry Road to the east and farmland to the north and west. It is currently used for grazing horses. The site is bounded by a post and wire fence on the open northern, eastern and western sides. The rear boundaries of the Grange Road properties, which form the southern edge of the proposed development field, consists of a mix of walling, hedging and low trees. The generally falls to the south/ south west. A Core Path runs along Grange Road past Grange Farm to the west of the site. The Fife Coastal path can be joined at the High Street just over 400m to the south of the site. A National Cycle Route follows Ferry Road along the eastern edge of the site providing connection from the Grange to Earlsferry, Elie, Kilconquhar and other settlements on the Kingdom of Fife Millennium Cycleway. Current access to the site is from a track on the northern boundary of the site.

1.1.2 The site is within the settlement boundary of Elie as a site (EAE001) allocated for housing within the Adopted FIFEplan, with a 0.1ha area of Employment Land and a 0.2ha area of Leisure/Community Facility Land allocation on the site in Elie, which is linked to this site in Earlsferry through Allocation EAE 001. This specific site is only allocated for housing, with an estimated capacity of 25 units. The site is covered by the regional designation of the East Neuk Special Landscape Area (SLA). The site is within the Elie to Kilconquhar Green Network Policy Area (EAEGN02).

### 1.2 Site History

1.2.1 This application is being processed in conjunction with application 18/03579/PPP for a mixed-use development, including residential units, small business units, a care home, retirement housing, parking for an existing doctors surgery and community space/facilities because the two sites are linked through FIFEplan allocation EAE 001.

1.2.2 This proposal has emerged from the ENCAP (East Neuk Community Action Plan) process, which aims to identify opportunities for the growth of the East Neuk settlements in the short, medium and long term. ENCAP aims to work with the local communities of the East Neuk in considering their settlements' needs for new development to maintain thriving communities whilst respecting the local environment and the character of the areas concerned.

1.2.3 It is anticipated that development of proposal EAE 001 will take place over a 30 year timescale. The indicative total capacity in the longer term, and beyond the period of this plan is 190 houses. On land to the south of A917, East of Elie, this longer-term growth area is identified by the settlement boundary. Development within this Plan period will be restricted to 80 houses across the two identified sites. A mix of tenures is to be provided, which will offer a range of housing and lifestyles.

1.2.4 A development framework is required to guide the design and layout of these sites and longer-term growth. The development framework will be produced through further consultation with the community through the ENCAP process. This process will identify requirements for community facilities and employment provision on the sites East of Elie. Requirements and delivery of planning obligations must be agreed across both sites in combination.



1.2.5 Given the timescale, and the fact that a phased approach to development is required to avoid capacity issues at Elie Primary School, the indicative number of houses to be developed within the Local Development Plan period (5 years) is 80 houses.

### 1.3 Proposal

1.3.1 This application seeks planning permission in principle for the erection of 25 detached dwellings and associated parking. The proposals include vehicular access from two points on Ferry Road. The proposals also include land for a surface water drainage run from the site north west towards an existing watercourse, and the provision of a new section of footway on Ferry Road, one of which is an upgrade of the farm road forming the northern boundary of the allocated area. It is proposed to extend the 30mph zone and provide enhanced footpath/cycle connections.

1.3.2 The associated application (18/03579/PPP) at Wadeslea, Elie, proposes to include the 30% affordable housing requirement for this site, therefore no affordable housing is proposed on this site.

### 1.4 Procedural Issues

1.4.1 The proposed development is more than 2ha in area and therefore, falls within the Major Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. The applicant has carried out the required pre-application consultation through holding public information events (ref: 17/04097/PAN). A Pre-Application Consultation (PAC) 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. This included two public consultation events held on 15 March 2018 and 19 April 2018 at Elie Church Hall. The public events were advertised in the Courier on 7<sup>th</sup> March 2018.

1.4.2 The application was advertised in the local press on 29<sup>th</sup> February 2019 for affecting the setting of a listed building and for neighbour notification.

1.4.3 Fife Council was asked by the applicant to adopt a Screening Opinion under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Following a review of the submitted documents, and an assessment of the extent and significance of the potential impact of the development proposal on the natural environment, built heritage and residential amenity issues identified in the Screening Opinion, the Planning Authority concluded that the development did not constitute a significant enough effect in environmental impact assessment (EIA) terms and therefore an EIA Development under the terms of the Regulations (reference: 18/00042/SCR) within a Schedule 2 type development; under Section 10(b) - Urban Development Projects, was not required.

1.4.4 Objection comments express concern that no Action Plan for Elie and Earlsferry has been produced, therefore ENCAP is not a community led vehicle. Objectors also express concern that the Local Development Plan was already adopted and principle of the development therefore established prior to the PAC process being undertaken and there was therefore no opportunity for the local community to work with ENCAP (or the applicant) to identify the needs of the settlement and help form the parameters for the proposals. Despite fulfilling the statutory PAC requirements, which included extremely well attended community consultation events, and the requirement to produce a development framework through consultation with the community, objectors have

expressed concern that the communities views and concerns have not been heard or taken on board.

1.4.5 In response to this, as is summarised in the above paragraphs, the statutory PAC requirements have been fulfilled for the proposed development, with two community consultation events being held, and this is accepted by the council. The applicant has therefore undertaken sufficient community consultation in order to meet these requirements in terms of their planning submission. In terms of the development framework not having been produced through further consultation with the community, in response to this view, the applicant has advised that the Community Council carried out a Charrette process to complete this assessment ('Going Forth - a Community Place Plan for Elie & Earlsferry' (July 2019)). In terms of the timing with the Local Development Plan adoption, the site was first proposed for development in 2012, when it was submitted to Fife Council within a Landscape Capacity Study. It was then promoted through the Local Development Plan process through submissions to the Main Issues Report and the Proposed Plan. The applicant advises that Elie Estate has consulted with the community on three occasions through an exhibition and response process and attended several community council meetings, as well as meeting other parties such as the Elie and Earlsferry Action group. An indicative layout was prepared within the landscape capacity submission in 2012, showing a loose street structure which identified opportunities for landscape containment, increased community facilities and how frontage orientation could respond to the site qualities. This loose framework structure was adopted by Fife Council within FIFEplan to guide future masterplanning coming forward on a phased basis over a number of years. Phase 1 was identified with a capacity of around 55 units. The applicant has confirmed that 'Going Forth - a Community Place Plan for Elie & Earlsferry' (July 2019) was produced subsequent to the allocation of both sites in FifePlan (September 2017) and the submission of PPP applications (December 2018). The applicant has reviewed this document to ensure that the proposals deliver a number of the priorities identified in the Community Place Plan.

## 2.0 PLANNING ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other material considerations are as follows:

- Principle of Development
- Landscape and Visual Impact
- Green Infrastructure and Open Space
- Residential Amenity
- Natural Heritage
- Road Network and Parking
- Contamination and Land Stability
- Flooding and Drainage
- Archaeology
- Affordable Housing
- Education
- Developer Contributions
- Sustainability
- Public Art

## 2.2 Principle of Development

2.2.1 Adopted FIFEplan Policies 1 (Development Principles) and 2 (Homes) are particularly applicable. Policy 1, Part A states the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the Local Development Plan. Policy 2 states that housing development will be supported on sites allocated for housing in the FIFEplan and this is the case in this instance as the site is zoned for housing development in the Adopted FIFEplan within the allocation EAE 001 (Land to the north of Grange Road).

2.2.2 FIFEplan allocation EAE 001 covers both this site, and Land to the south of A917, East of Elie, which is covered through a separate item on this agenda. The requirements set out in EAE 001 relating to this site includes a low-density development in keeping with the existing residential pattern. The scale of development is to be restricted to the estimated housing capacity (25 houses). Proposals in excess of this will be treated as contrary to FIFEplan. Sensitive design and layout are required for this prominent site. Elevations to the North and East are critical in contributing to the setting of Earlsferry and may suit bespoke designs. Two points of access are required. There is potential to upgrade the farm road to the north of site to use as a site access. Extension of 30mph zone and provision of enhanced footpath/cycle connections will be required.

2.2.3 Objections are concerned that the percentage of proposed homes is excessive in comparison to the number of existing homes at the Grange and the private housing market needs of the East Neuk. Objection comments note concern that 25 homes on the edge of settlement sets an unwanted precedent for the expansion of housing in the countryside. Objection comments submitted have also raised concerns that the number of units is at the maximum end of the provision and the density is not in keeping with the existing surrounding houses along Grange Road.

2.2.4 In response to the comments, as discussed above, the site is within the settlement boundary and is allocated for housing development, therefore is not considered housing in the countryside. 25 dwellings are proposed in this application therefore, the level of units proposed, is in line with EAE 001. The principle of residential development - in land use terms and also in terms of the preferred number of units - is established by FIFEplan which supports a capacity up to 25 units. The proposals therefore comply fully with this requirement. The density of the proposals is considered to be acceptable, within with the FIFEplan allocation and in keeping with the surrounding area. This is discussed further in section 2.5 of this report. Consequently the residential land use proposed in this application is accepted and the number of units proposed is also accepted.

2.2.5 In summary, the principle of the residential land use proposed, subject to consideration of detailed matters in the assessment below, then this application is compliant with FIFEplan requirement for housing development on this site and therefore complies with FIFEplan Policies 1 and 2 in this regard.

## 2.3 Housing Land

2.3.1 SPP (Enabling Delivery of New Homes) advises that the delivery of housing land should be identified through up to date Development Plans maintaining at least a 5-year supply of effective housing land at all times; enabling a provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places. Proposals should also ensure that they protect and enhance the environment and are developed

using an integrated approach to planning the whole development, and the provision of affordable housing.

2.3.2 Policy 1: Location Priorities of TAYplan Strategic Development Plan 2016-2036 (2017) (SDP) confirms the settlement strategy across the SDP area and guides the majority of development proposals towards the region's principal settlements, and distinguishes between Tier 1, 2 and 3 settlements in order or priority to accommodate new development. Wormit is included in the Tier 1 Principle Settlement Hierarchy (Policy 1A). Policy 1B relates to the sequential approach and advises that a range of sites should be made available primarily within principle settlements, and then on land on the edge of principle settlements. Where there is insufficient land or where the nature/scale of land use required cannot be accommodated within or on the edge of principle settlements and where proposals are consistent with Policy 1 Part A and Policy 2, then the expansion of other settlements should be considered.

2.3.3 TAYplan Policy 4 Homes states that Local Development Plans will plan for the average annual housing supply targets and housing land requirements illustrated on page 23 of TAYplan to assist in the delivery of the 20 year housing supply target of 38,620 homes between 2016 and 2036. For the first 12 years up to year 2028 the total housing supply target is for 23,172 homes across TAYplan. In the period 2028 to 2036 a housing supply target in the order of 15,448 homes may be required, subject to future plan reviews. To achieve this Local Development Plans will identify sufficient land within each Housing Market Area to meet the housing land requirement. Policy 4/Map 4 plan for housing supply targets of 1,931 new homes per year across the TAYplan area. This is 23,172 over the first 12 years of this plan (2016-28) and approximately 38,620 homes over the whole 20 year period. Within the TAYplan area of North East Fife as a whole, the average annual housing supply target from 2016 to 2028 is 295 and the housing land requirement is 325.

2.3.4 Adopted FIFEplan Policy 2 (Homes) states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply; on sites allocated for housing in this Plan; or, on other sites provided the proposal is compliant with the policies for the location. Policy 1 (Development Principles) re-affirms this by stating the principle of development shall be supported where the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the Local Development Plan. Policy 2 also advises that in terms of development requirements, all housing proposals must meet the requirements for the site identified in the settlement plan tables and relevant site brief; and, include provision for appropriate screening or separation distances to safeguard future residential amenity and the continued operation of lawful neighbouring uses in cases where there is potential for disturbance. The application site lies within the St Andrews and North East Fife Housing Market Area. FIFEplan Figure 2.3A notes that the LDP housing land requirement for this HMA (2009 - 2026) is 2,940 homes, the total supply is 3,107 homes therefore, there is a surplus of 167 homes within the HMA. For the 2016 - 2026 period Figure 2.3B notes the housing land requirement for this HMA would be 2,100 the total supply is 2,453 homes therefore, there is a surplus again of 167 within the HMA.

2.3.5 In this instance the proposal is considered acceptable as it would involve the development of an already identified housing site where the site has been taken into consideration as part of the FIFEplan and the most up to date Housing Land Audit document.

## 2.4 Affordable Housing

2.4.1 FIFEplan Policies 1 (Development Principles), 2 (Homes) and 4 (Planning Obligations) of the FIFEplan are applicable. In particular Policy 4 states Developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. Further guidance is also provided in relation to Affordable Housing in the Council's Supplementary Planning Guidance on Affordable Housing (2017).

2.4.2 Objectors are concerned that the affordable housing requirement for both EAE 001 sites is being located on the Elie site, with all 25 units on this site in Earlsferry being market units. Objection comments have noted concern that consideration has not been given to a small number of homes designed and specifically targeted towards retired persons and or those wishing to downsize and remain in Earlsferry. Objection comments note concern that 25 premium homes will not guarantee a more balanced full-time resident population.

2.4.3 In relation to the level of affordable housing, the site EAE 001 is required to provide 30% of the units proposed for affordable housing, with these being provided on site. In this instance, site EAE 001 covers two different sites, which are linked together by the allocation. In line with the requirements of the Council's Supplementary Planning Guidance on Affordable Housing (2017) for private housing developments in this particular Housing Market Area (HMA). In this regard the developer is providing 24 affordable units on the Wadeslea, Elie site, which is linked to this site. When considering the entire allocated site, this would be in line with the percentage required at the ratio of 30%. This affordable housing contribution is considered acceptable by the Council's Housing and Neighbourhood Service officers and would be compliant with the related planning policy criteria. Beyond the net level of provision, the proposal is for Kingdom Housing to take ownership of the units and for these to become socially rented housing. For the units at Wadeslea the developer shall contact Kingdom Housing to determine housing mix required for the socially rented units. This will be covered through a condition and information will be required through a future detailed planning application. This is acceptable to the applicable Council officers and is again in line with Planning Guidance on Affordable Housing (2017). In the event that the Grange is developed but Wadeslea is not, to ensure that affordable housing as required for the Grange still goes ahead then the relevant size area of portion of land at Wadeslea corresponding to the Grange's share of affordable provision shall be given over to affordable housing. This requirement is covered through a proposed legal agreement.

2.4.4 A key issue raised in the representations received was that it was considered important that the affordable housing remain as affordable for the lifetime of the development. In response it is noted that the affordable units are being taken on by Kingdom Housing Association as a Registered Social Landlord (RSL). As such, legislation prevents the RSL these units being sold as private, open market housing. The full details of the affordable housing requirement will be discussed further through future detailed applications.

2.4.5 In summary the affordable housing provision proposed within this application is considered compliant with Policies 1, 2 and 4 of the LDP subject to the conclusion of an appropriate Legal Agreement to secure this arrangement in the event Committee are minded to approve this application.

## 2.5 Visual and Landscape Impacts

2.5.1 FIFEplan Policies 1 (Development Principles), 10 (Amenity) and 14 (Built and Historic Environment), require new development to make a positive contribution to its immediate environment in terms of the quality of the development. Further detail on good design and how this should relate to its context is contained in the guidance 'Making Fife's Places' (2018), which reflects applicable national guidance in Scottish Planning Policy, 'Designing Streets' and 'Creating Places'. This policy and guidance framework set's out a comprehensive basis for how new development should be laid out and designed - with this summarised in six key qualities of a successful place. These six qualities state that developments should be: distinctive; welcoming; adaptable and resource efficient; safe and pleasant; and easy to move around and beyond. Some of these qualities are addressed more directly in later sections of this assessment however in relation to visual impact it is particularly noted that proposals should be distinctive; safe and pleasant; and welcoming.

2.5.2 The requirements set out in EAE 001 relating to this site includes the requirement for a low density development in keeping with the existing residential pattern. It notes that sensitive design and layout are required for this prominent site. Elevations to the North and East are critical in contributing to the setting of Earlsferry and may suit bespoke designs. It notes that two points of access are required. There is potential to upgrade the farm road to the north of site to use as a site access. It notes that the extension of 30mph zone and provision of enhanced footpath/cycle connections will be required.

2.5.3 A Design and Access Statement (DAS) and Landscape and Visual Appraisal (LVA) has been submitted with the application. This provides detailed site appraisal and analysis of the settlement and landscape context; it sets out the design development and the development framework, with design principles and landscape strategy including mitigation and phasing. There is also a section setting out how the proposal would meet the terms of Making Fife's Places. The LVA provides visualisations of the proposed development with comparator baseline conditions from selected viewpoints.

2.5.4 The level of information provided in the documents to support the proposed design response is carefully considered and well-illustrated by diagrams, sketches and photographs. It constructs a good case for the layout/form of development and the landscape strategy that is described in the text of the DAS and illustrated on plan. Fife Council Urban Design Officers have reviewed the information and have advised that they would broadly agree with the analysis and design approach to create an area of sustainable growth for the village that is sensitive to its surroundings and has aspirations to enhance the character and setting of the Grange. The overall findings of the LVA are also supported – that some notable effects would arise as a result of the proposed development, but they would be localised and mitigated to some extent by responsive design and landscaping. Therefore, it is considered that control over detailed design proposals will be critical to the successful development of Land North of Grange Road, which can be fully addressed at the detailed design stage.

2.5.5 It is likely that the level of tree planting proposed as mitigation could lead to too great a change to the generally open nature of the current landscape setting – this open character is acknowledged in the landscape analysis. Whilst it is understood that one of the main purposes of tree planting is to help provide a buffer to the properties on Grange Road, and help fit the 25 units into the landscape, and this principle is supported, it also needs to consider the existing landscape character, maximising views and aspect for the new properties and providing shelter. Tree planting requires very sensitive design work to avoid introducing too much of it into the extended

settlement, where it is not currently characteristic. It might be possible to achieve better landscape fit by well-located areas of native understorey/shrub planting in combination with boundary hedges but fewer trees. Such an approach would help deliver the Design response under Site Appraisal 4.1 which states: “The open nature of the landscape suggests that the architecture should be of high quality and visible, with defined plot boundaries and a landscape strategy which softens impact and provides visual connection rather than concealing development”.

2.5.6 The site appraisal acknowledges the sensitivity of the site in terms of landscape/townscape. It states that “the open and rolling nature of the landscape will require new development to be looked at in 3D to ensure best landscape fit”. Under Topography 4.5 it is proposed that “existing topography should be maintained as much as possible”. Elsewhere split-level housing is suggested. Both of these approaches are supported. In this regard, 3D visualisations as well as sections are suggested planning conditions for all detailed proposals associated with this development.

2.5.7 Objection comments have raised concerns with the proposed density of the development. In this regard, the edges of the development to the north and east are noted within the allocation as “especially critical in contributing to the setting of Earlsferry and require a sensitive design response”. The low density, low height and spacing of buildings has been designed to reflect a semi-rural street, which is appropriate. Building heights and densities have been informed by the LVA, and restricted heights are proposed as a response to landscape/visual sensitivities, helping to create 3 different character areas: the southern slopes, the northern edge and the eastern edge to Ferry Road. The Development Framework refers to forms such as clusters, long low houses that hug the ground, and the use of single or 1.5 storey buildings with “elements” at 2 storeys. No buildings are set at entirely 2 storeys. This is welcomed as an appropriate design response and should be carried forward into the detailed design. This can be covered through a condition.

2.5.8 In terms of boundary treatments, it is considered that the use of stone walling and hedging are critical to provide the appropriate townscape character and a connection with the existing settlement. Swales and bio-retention features are illustrated and suggested as part of the characteristics for the internal street, which would be welcomed.

2.5.9 The Paddock is a key feature of the layout, providing a buffer to the existing housing at the Grange to the west. This area should be safeguarded from pressure to develop as housing in the future. It is assumed this will remain private ground used for grazing by horses rather than being accessible to the public. Nevertheless, it has a key role in providing landscape setting to help fit new development into the landscape/townscape of Earlsferry. To this end, the proposed planting of a strip of woodland along the northern edge is considered appropriate and is not part of the concern expressed over widespread tree planting elsewhere on the site.

2.5.10 Parking can create unacceptable visual impact, particularly on open, prominent slopes, such as found across this site. The low-density nature of the proposed development provides opportunity to ensure that parking is discretely fitted on each expansive plot, whether internally or externally, using landform, building position and planting elements to help screen it. This is an element which will be considered at the detailed design stage and represents an opportunity for further enhancement.

2.5.11 The DAS lists the development and green network requirements in the LDP under EAE 001 Land to north of Grange Road; a development framework “to guide the design and layout” being one of these is provided as part of the DAS. In terms of the requirement for low density development restricted to 25 units, with sensitive design and layout, it is noted that the

development framework section of the DAS describes such a proposal. It would be necessary to ensure this is carried forward into detailed design, through appropriate planning conditions. In terms of the gateway feature, the layout includes an attractive arrival space to the north east, which is illustrated in the DAS under 9.4. To ensure this is achieved, a planning condition is proposed. The requirement for a high-quality development frontage to the eastern edge with off road cycle route and contextually appropriate boundary treatment are proposed and again, this would require a planning condition to ensure it is delivered. High quality development edge along the northern boundary which creates an appropriate setting for development and is in keeping with the wider character of the village is proposed and again, this requires a specifically worded planning condition. The provision for views within and through the site is covered in the DAS, however through the detailed design stage, the buildings should have subtlety of form and layout. Landform will require sensitive modelling and planting proposals will need to have locally appropriate species selection and siting. This requirement will be covered through a condition and appropriately addressed through future detailed applications.

2.5.12 Objection comments note that the new plots that back onto Grange Road are generous and could lead to future in-fill development. As outlined below, the garden sizes are a response to the FIFEplan allocation, requiring a low-density development. Any future in-fill development proposed would have to be assessed through separate planning applications.

2.5.13 The DAS refers to the need for consistency in style and materials, but not homogeneity; and later to bespoke elevations to the north and east, and conforming to a code in terms of massing, relationship within the plot, and materials. In order to ensure that the high quality buildings and sensitive landscape treatment are secured and continued over to the detailed design stage, a planning condition is proposed, to be tied to the specific design principles in the current Development Framework or requiring subsequent design briefs or design codes to be approved. This would ensure a co-ordinated design approach for future detailed applications. The proposed planning conditions would embed the design principles set out in the Design and Access Statement under 9.2 Development Principles and 9.3 Creating Character, including the qualities of the 3 Character Areas described – The Southern, The Northern Edge and the Eastern Edge to Ferry Road. Care is required over the promotion of Pine tree planting, it is suggested that it should be 'Coastal' tree and native understorey planting, including Pine. It is considered that the consolidation of building design for the Grange neighbourhood is appropriate and the proposed planning conditions would not house design too much, as there would need to be a number of different designs, that could be further varied by small changes to the combination of forms, different orientation and different materials throughout the site.

2.5.14 In summary and on balance, the visual impact of the proposal is considered acceptable and in this regard the proposal is compliant with FIFEplan Policies 1 (Development Principles) 10 (Amenity) and 14 (Built and Historic Environment) as well as applicable guidance Making Fife's Places' (2018) which reflects applicable national guidance in Scottish Planning Policy, 'Designing Streets' and 'Creating Places'.

## 2.6 Built Heritage

2.6.1 In general terms the SPP (2020) states that the planning system should promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning. The planning system should also enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse



impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

2.6.2 Similarly Historic Environment Scotland Policy Statement (2016) sets out the key test set by the legislation that planning authorities should have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest that it possesses. Policy 1 (Part B (10) of the Adopted FIFEplan (2017) states that development must safeguard the characteristics of the historic environment, including archaeology Policy 14 of the Adopted FIFEplan (2017) advises that development affecting a listed building, or its setting, shall preserve the building, or its setting, or any features of special architectural or historic interest it possesses. The design, materials, scale and siting of any development shall be appropriate to the character and appearance of the listed building and its setting.

2.6.3 SPP (2020) states that planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording. PAN2/2011 (Planning and Archaeology) advises that, in determining planning applications, planning authorities should take into account the relative importance of archaeological sites. It also notes that in determining planning applications that may impact on archaeological features or their setting, planning authorities may on occasion have to balance the benefits of development against the importance of archaeological features.

2.6.4 The development relates to a site located to the east of the early 18th century category B listed Grange House and cottage and the associated category C listed Easter Grange steading barn, and north of the Elie and Earlsferry conservation area. There is potential impact on the context and setting of the listed buildings and the character and appearance of the conservation area. Historic Environment Scotland guidance, Managing Change in the Historic Environment. Setting and the Elie and Earlsferry Conservation Area Appraisal and Management Plan are relevant.

2.6.5 The Grange is a distinct historic area of significance as referred to in the Elie and Earlsferry Conservation Area Appraisal. The current Grange House and its predecessor is shown on early maps from 1600s. The more recent creation of Grange Road and the row of detached villas to its SE has impacted on the rural setting yet the context and setting still retains its essential character. In the Landscape and Visual Appraisal submitted, there is reference to the Conservation Area Appraisal and the potential impact on the conservation area. The conservation area appraisal is mainly concerned with the topography of the conservation area and outwith this any significant natural features which contributed to the special character and appearance. The escarpment on which the Grange Road houses, and the Grange buildings are located do not currently visually detract from this. However, whilst not specifically noted, there is potential for any development to have an adverse impact due to the elevated topography. The proposal is to mitigate any negative visual impact by reducing the density (footprint, scale, massing) of the development and screening it with trees. This would reduce the impact on the conservation area to an acceptable level. Further supporting assessment of the context and setting of the Grange listed buildings and evidence to show that the development would have no adverse impact; plus, further visuals to show that the impact of the development would be minimal in all seasons were requested and subsequently submitted by the applicant. Following review of the additional information, it is considered that the

context and setting of the Grange listed buildings has been sufficiently acknowledged and taken into account and the information submitted shows that there would be no significant adverse impact as a result of the proposals. Similarly, the further visuals show that the impact of the development would be minimal in all seasons, including winter.

2.6.6 Fife Council Archaeology Officers have been consulted on this application. They note that the site constitutes a 19th century enclosed farmland landscape of permanent pasture (reclaimed links managed for bent grass) and is not covered by any historic environment designations. However, Lidar data indicates the presence of an historic ditched feature, running east to west across the site and 1940s aerial photographs reveal the presence of a series of putative infilled ditched WWII anti-glider trench and post anti-invasion defences. It is advised that evidence of unenclosed prehistoric settlement is known in the wider area, although not within the development site itself. There is therefore the potential for unrecorded prehistoric deposits to exist within the development site. This area is known to have been mined during the 17th-19th century and bell-pits are mapped on 19th century maps on the edge of the development site. There is therefore the potential for unrecorded historic bell-pits to exist within the development site. Taking the above into account, archaeological works should feature as a condition of consent, should consent be granted.

2.6.7 Overall, taking all of the submitted information and considerations into account, the proposals would not cause a significant adverse impact on the conservation area or setting of the listed buildings and would comply with the relevant Policies and Supplementary Guidance in relation to Built Heritage, subject to the aforementioned conditions.

## 2.7 Road Safety and Parking

2.7.1 FIFEplan Policies 1 (Development Principles) and 3 (Infrastructure and Services) are particularly applicable. Policy 3 requires that developments must be designed and implemented in a manner that ensures they deliver the required level of infrastructure, with the policy subsequently specifying that this may include the need for safe access routes which link with existing networks. Making Fife's Places Supplementary Guidance (August 2018) also provides further detail in respect of transportation issues, particularly within Appendix G.

2.7.2 Objection comments note concern at the existing 60mph speed limit, which they do not consider appropriate. In this regard, it is noted that the application site is to the north of the existing dwellings situated on Grange Road and is beyond the restricted speed limit of the village, currently at 20mph. Discussion will be required with the Council's Traffic Management Team regarding relocation of the speed limit to determine whether the bringing of the development site into a restricted speed setting is possible. It should be noted that relocation of the speed limit will be the responsibility of the developer and any associated costs, including street lighting, will have to be borne by them. This requirement is set out as a proposed condition of the consent.

2.7.3 Objection comments note concerns regarding the existing laybys on Ferry Road and request that they are upgraded to formal passing places. Transportation Development Management have not requested that the laybys are upgraded as part of this application. Currently there is a farm track access that runs along the northern boundary of the proposed development site. It is shown to be the intention of the developer for this track to be used as an access to the site, therefore this road will require to be brought up to an adoptable standard. Objection comments note that a Construction Management Plan should be submitted to ensure that the proposed site accesses are appropriate at construction stage. A Traffic Management Plan relating to the construction phase of the development will be required and this can be covered through an appropriate

planning condition. Objection comments raise concern that additional raised textured road surface at a crossing point between the golf course and extension of double yellow lines should be installed to deter parking. Again, this is not a concern that has been raised by Transportation Development Management as an issue, and it is considered that there would be sufficient parking within the development.

2.7.4 Objection comments note poor visibility to the west of St Ford Farm on Ferry Road. Transportation Development Management note the indicative layout shows a further access proposed to the south of the existing farm track and advise that junction bellmouths will require to be constructed at each of these accesses along with the appropriate visibility splays. This will be dependent on the final agreed speed limit on Ferry Road. A planning condition is proposed, which requires the appropriate visibility splays at each entrance into the site.

2.7.5 The indicative layout shows housing accessed off a loop road through the development making use of both proposed accesses. Off-street parking is shown as taken direct access from Ferry Road.

2.7.6 Objection comments note concern that a pedestrian access would be formed along Ferry Road. The development is well within walking distance of Earlsferry, with the built-up area being within 300m of the site. Transportation Development Management note that a pedestrian footway will be required to connect the development site to the villages of Earlsferry and Elie along Ferry Road. The applicant has detailed in the accompanying Transportation Statement, their intention to create such a pedestrian link. A planning condition is therefore proposed, requiring the construction of a 2m wide footway along Ferry Road to tie in with the existing footway within Earlsferry, prior to the occupation of the first unit. It is acknowledged that, whilst there are no dedicated bus services in Earlsferry, the 'Go Flexi' service operates in the area for Fife Council.

2.7.7 Objection comments have been received, relating to traffic issues in the area, particularly in summer months. Given the linkage of between The Grange site and Wadeslea site, objectors consider that the applications should be supported by a linked transport statement. In this regard, Fife Council Transportation Development Management Officers have no concerns. The applicant has submitted a transport statement which indicates that the 25 residential units will generate a total of 19 vehicle trips (two way) during the weekday morning peak and a total of 22 vehicles trips (two way) in the evening peak. This level of traffic generation will have no impact on the safe operation of Ferry Road (Q29) or the local road network in and around Earlsferry.

2.7.8 In summary the proposal is considered acceptable in terms of parking and access and therefore is compliant with FIFEplan Policies 1 (Development Principles) and 3 (Infrastructure and Services) in this regard.

## 2.8 Open space, green networks, garden ground and density

2.8.1 FIFEplan Policies 1 (Development Principles), 3 (Infrastructure and Services), 4 (Planning Obligations), Policy 10 (Amenity) and Policy 13 (Natural Environment and Access) of FIFEplan are applicable. Policy 3 in particular advises that proposals should be served by adequate green infrastructure. 'Making Fife's Places' (2018) provides further information how and when open space and green networks should be provided. Further guidance is also provided in relation to Fife Council's Planning Obligations Supplementary Guidance (2017). In addition, Fife Council's Customer Guidance on Garden Ground (2016) is also relevant.

2.8.2 The FIFEplan allocation for the site notes that Green Network Opportunities for the site are to:

- Deliver a high quality development frontage along the eastern edge of the site, where it bounds Ferry Road, which includes access provision as a key route into Elie and Earlsferry, and delivers an appropriate boundary treatment, which reflects the character of the existing roadside frontage on the opposite side of the road, which incorporates a stone wall. Deliver an off-road cycle route within the site along the edge of Ferry Road.
- Make provision for views within and through the site as a key feature: south over towards the Coast and Forth, north west to Largo Law and to the surrounding links to the east and west
- Deliver a high quality development edge along the northern boundary of the site, which creates an appropriate setting for the development and is in keeping with the wider character of the village and its rural setting. Incorporate east-west access and habitat provision; the emphasis should be on creating coastal grassland habitat.

2.8.3 Objections were raised in relation to the lack of provision for recreational space. The paddock is a concession to the current fields use but this is not considered by objectors as an appropriate replacement for recreational space.

2.8.4 In terms of the net level of useable open space within the site, Making Fife's Places guidance states that 60 sqm of useable open space should be provided per dwelling. This means the total of 25 dwellings proposed equates to a need for 1,500sqm of open space (this is in addition to the garden ground provided for specific dwellings). Making Fife's Places guidance states spaces such as SUDS basins, so long as they provide useable recreational amenity value can be included. In response to the objection comments, the proposals would result in the loss of land currently used for grazing horses, therefore the proposals would not result in the loss of recreational space. The proposals retain a proportion of the site as an existing paddock, as is. It is indicated that this will continue to be used as a paddock, therefore this area of land would not count towards the open space on the site. Instead, Parks, Development and Countryside Officers have requested a contribution towards open space within the vicinity of the development. This would be covered through a legal agreement.

2.8.5 In terms of garden ground provision, it is noted that applicable guidance advises that 100sqm of private garden ground should be provided for each detached and semi-detached house, with 50 sqm per unit provided for each flat. The low-density nature of the proposed development results in long gardens, therefore, although only indicative at this stage, it is anticipated that the gardens would comply with the minimum garden ground suggested within the guidance without difficulty.

2.8.6 In relation to play space provided, it is noted that Making Fife's Places advises there is no requirement for play space provision for developments of less than 200 houses.

2.8.7 In terms of green networks, it is noted that the current proposal would meet the requirements of the allocation. The indicative proposals include a high quality development frontage along the eastern edge of the site, where it bounds Ferry Road. Access provision is indicated into the site from Ferry Road and the Design and Access Statement indicates that a stone wall would be provided to reflect the existing stone wall on the opposite side of the road. At this location, a cycle route can also be incorporated, as shown in the indicative plans, and can be covered though an appropriate condition. As discussed within Section 2.5 of this report, the proposals make provision for views within and through the site as a key feature. In terms of delivering a high quality development edge along the northern boundary of the site, the Design and Access Statement illustrates a landmark feature at the north east corner of the site, including trees and planting, with stone walls and hedging. This would be a welcomed feature, which would help to integrate the

development with the rural edge and mansion house at the east of Grange Road. East to west access is indicated within the indicative layout and within the Design and Access Statement and, as discussed in Section 2.11 of this report, further details regarding habitat proposals would be required by condition.

2.8.8 In summary, in relation to open space, green networks, garden ground and density - the proposal is considered on balance to meet the requirements of FIFEplan Policies 1 (Development Principles), 3 (Infrastructure and Services), 4 (Planning Obligations), Policy 10 (Amenity) and Policy 13 (Natural Environment and Access) .

## 2.9 Education

2.9.1 FIFEplan Policies 1 (Development Principles) and 4 (Planning Obligations) of the FIFEplan are applicable. In particular Policy 4 states Developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. Further guidance is also provided in the Council's proposed guidance (2017) which is a material consideration in this respect.

2.9.2 In line with the framework above, contributions may be required to mitigate the impact of a residential development where the proposal would cause capacity to be exceeded at the relevant schools. In this regard the Education Service have been consulted on this proposal.

2.9.3 It is noted that the site Grange Road (LAR092), an effective site in the Housing Land Audit (HLA) for 25 units. This planning application is for 25 units with the first house completion expected in 2023 and a completion rate of 5-10 units per year. These values have been used to assess the impact on catchment schools. This application site is currently within the catchment areas for: Elie Primary School; Greyfriars Roman Catholic Primary School, Waid Academy; and St Andrew's Roman Catholic High School. Education have advised that there are currently no capacity risks at any of the schools within the catchment, therefore the development is not expected to create a capacity risk. Consequently, the payment of contributions towards providing schools would not be required in this instance.

2.9.4 In summary, the proposal would meet the requirements of Policy 1 and 4 and no contributions would be required in this instance.

## 2.10 Residential amenity

2.10.1 FIFEplan Policies 1 (Development Principles) and 10 (Amenity) are applicable. Policy 10 (Amenity) states that proposals must not have a detrimental impact on amenity, including in relation to noise - with potential impacts on daylight, sunlight and privacy all particularly identified as issues that must be considered in this regard. Fife Council's Planning Customer Guidelines on Daylight and Sunlight provides detail to ensure that adequate levels of natural light are achieved in new and existing developments. In addition, Planning Customer Guidelines on both Garden Ground and Minimum Window-to-Window Distances offer more information on protecting the privacy of dwellings and their gardens.

2.10.2 In relation to residential amenity and particularly privacy, overbearing, daylight and sunlight, objections raised state the proposed houses should not overlook existing neighbours. In particular, objections specifically noted that the proposal would have a detrimental impact on dwellings immediately adjoining the development in these respects.

2.10.3 In this regard, the proposals are indicative at this stage, however, the indicative site plan shows that, given the low density nature of the proposed development, there would be a significant distance between the proposed properties and the existing properties along Grange Road to the south and the properties to the west. This would be addressed in detail at the detailed design stage, but at this point it is clear that the 18m window to window distance could be easily met on this site, between both existing properties outwith the site and the proposed properties within the site.

2.10.4 Similarly, the intervening distance between existing and proposed housing is very likely to result in acceptable separation distances to ensure that the proposed housing does not cause a significant material degree of daylight reduction entering windows to the rear facing windows of these properties. In relation to potential overshadowing, this would be assessed in detail at the detailed design stage again, however given the density of the site and reviewing the indicative layout, it is highly unlikely that the proposed properties would overshadow existing properties outwith the site to any significant extent.

2.10.5 The Council's Environmental Health Officer (EHO) has been consulted in relation to any potential noise issues on the site and has no objections or comments to make.

2.10.6 In summary the amenity impact of the proposal is considered compliant with Policies 1 and 10 noted above. These issues would be further addressed at the detailed design stage.

## 2.11 Biodiversity

2.11.1 The following Adopted FIFEplan policies are applicable: 1 (Development Principles) and 13 (Natural Environment and Access). In particular these state that proposals will only be supported where they protect and enhance natural heritage assets and access. This applies to all biodiversity in the wider environment (for example woodlands, trees and hedgerows).

2.11.2 Objections state concern that further surveys should be commissioned to ascertain the situation regarding protected species at the site has not changed. They consider that this should have been submitted at this stage. There are also objection comments regarding confidential reports on the planning file and they consider that the reports should be publicly available.

2.11.3 Given the application is for Planning Permission in Principle, it is considered that the appropriate surveys have been undertaken at this stage. The situation may change between now and when detailed planning applications are eventually submitted, as there will be a timescale between now and that stage in any case – there is a timescale of 3 years for the first detailed application to be submitted. It is therefore appropriate for further surveys to be required by condition, so that detailed, up to date information is provided at the appropriate stage. In terms of the sensitive surveys, given they relate to protected species, the reports contain sensitive information which cannot be made publicly available. Natural Heritage Officers have had sight of this information and have assessed it accordingly.

2.11.4 Given the potential impacts on biodiversity, Scottish Natural Heritage (SNH) have been consulted as well as the Council's Natural Heritage Officer. SNH have advised that they have no comments to make on the proposals.

2.11.5 The site is at present agricultural fields used for horse grazing and the site boundaries are mainly post and wire fencing, however a stone wall forms the south boundary with existing housing. Although the site relates to an agricultural field, this still has a level of habitat potential

so the site has been surveyed and an extended phase 1 habitat report has been submitted. The Natural Heritage Officer noted that the report identified no evidence of protected species recorded within the site. However, suitable habitat for nesting birds, foraging and commuting bats, badgers and reptiles is present on or bordering the site. No invasive non-native species were recorded within the survey area. The report makes recommendations to protect reptiles and nesting birds. It also recommends that re-survey is undertaken if works do not start before 25 April 2018. Suggestions for biodiversity enhancement have been provided in the Preliminary Ecological Appraisal but not confirmed and no details have been provided at this stage. Biodiversity enhancement as required by policy should be considered as part of the future detailed design process with details and specifications provided with any future detailed applications. In response to the requirement for further updated surveys to be undertaken, this is recommended as a condition with this information to be submitted as part of future detailed applications. Fife Council Officers advise that species rich hedgerows are the most appropriate landscape boundaries for this rural and open/exposed location and are indicated on the drawings, which is welcomed. However, some small native species trees could also be incorporated with the exposed location informing the species choice.

2.11.6 In summary, the Council's Natural Heritage Officer raised no objections based on the survey submitted, subject to conditions securing the submission of updated surveys at detailed design stage and appropriate planting. Consequently, the proposal would be acceptable in relation to Policies 1 and 13 in terms of its impact on biodiversity subject to the recommended conditions requiring the surveys and planting above.

## 2.12 Land Stability and Contamination

2.12.1 FIFEplan Policies 1 (Development Principles) and Policy 10 (Amenity) are applicable, with it noted that proposals must not have a significant detrimental impact in terms relation to air quality and contaminated land.

2.12.2 PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. FIFEplan Policy 10: Amenity states that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to contaminated and unstable land. The site falls within a Development High Risk Area therefore the Coal Authority has been consulted.

2.12.3 Objection comments, including those from the Community Council, have expressed concern regarding the historic mining and mine gasses on the site. The Coal Authority advise that their records indicate that this site has been subject to both recorded and unrecorded underground coal mining that has been historically worked at shallow depth; thick coal seams are conjectured to outcrop within the site and the presence of two recorded mine entries (mine shafts: 348700-004 and 347700-004). The Coal Authority advise that they hold no treatment details for these mine entries and due to plotting inaccuracies, there could be some deviation, by several metres from the inferred position.

2.12.4 The Desk Top Study Report submitted with the application considers that the site is at risk from former coal mining activity. Therefore, in order to confirm the presence or absence of shallow coal workings (likely to be present at 18m depth) and to determine the exact location and condition of the two mine entries, appropriate recommendations have been made that intrusive ground investigations are required. A planning condition is recommended by the Coal Authority, requiring the submission of a further scheme of intrusive site investigations for the mine entries for approval; the undertaking of the scheme of further intrusive site investigations; the submission of a report of

findings arising from the additional intrusive site investigations; the submission of a layout plan which identifies the exact location of the mine entries and their calculated zones of influence, including the definition of suitable 'no-build' zones; the submission of a scheme of treatment for the mine entries on site for approval; and the implementation of those remedial works.

2.12.5 The Desk Study Report submitted with the planning application provides a preliminary assessment of ground conditions and potential geotechnical and environmental constraints to development of the site. Fife Council Land and Air Quality Officers have reviewed the information submitted and concur that with the recommendations set out within the report, that further assessment is recommended to adequately characterise and risk assess the potential nature, types and scale of any coal mining related contamination at the site, and to assess any potential mine gas risk. It is therefore recommended an intrusive (Phase II) investigation should be undertaken, prior to any development. In this regard, a condition is recommended which requires this information to be submitted for the entire site for the first phase submission.

2.12.6 In terms of air quality, given the scale of the development, a future detailed application would require the submission of an Air Quality Impact Assessment. This can be covered through an appropriate condition, requiring the submission of an Air Quality Impact Assessment with a future detailed application.

2.12.7 In summary, subject to the conditions recommended above the proposal is therefore compliant with Policies 1 and 10 in terms of Land Stability and Contamination, subject to the aforementioned conditions.

## 2.13 Drainage and Wastewater

2.13.1 FIFEplan Policies 1 (Development Principles), 3 (Infrastructure and Services) and Policy 12 (Flooding and the Water Environment) are applicable. Policy 3 particularly notes that proposals must be served by infrastructure including surface water drainage.

2.13.2 A Stage 1 Flood Risk Assessment has been submitted with the application. The SEPA Flood Maps confirm that the site has a low risk of flooding and Fife Council hold no historic record of flooding on the site. A surface water outfall is located to the north, and included within the application site boundary, connecting to an existing watercourse, which this application proposes to discharge into. The existing dwellings on Grange Road are served by a gravity combined sewer which runs along Grange Road, where the properties to the west of the site drain into the combined sewer and enter the Sewage Treatment Works at Elie Harbour. There is an existing combined sewer at Ferry Road, which ties into the combined sewer running from The Grange – the application site boundary considers this route on Gerry Road for future foul discharge connection.

2.13.3 Objection comments, including comments from the Community Council, note concern that Scottish Water have confirmed that there is no capacity in the Elie septic tank to service this development and that Scottish Water have confirmed that no surface water will be permitted to be discharged to the Scottish Water combined sewer system.

2.13.4 Initially, SEPA objected to the proposals due to concerns regarding the treatment and disposal of foul effluent. However, SEPA subsequently removed their objection, following additional information submitted by the applicant confirming that the foul effluent would go to the Scottish Water mains sewer system. The recommendation from SEPA is that the applicant keeps in regular contact with Scottish Water to ensure that a connection is available at the time of the development of the site.



2.13.5 In this regard, Scottish Water have confirmed that they have instigated a Growth Project to address the wastewater capacity issues and early indications are that these upgrade works are on the list of potential projects, with a likely minimum timescale of 5-7 years for delivery. They have confirmed that the growth project would progress on the grant of the PPP, and that the budget is within their current investment programme. To address this, a planning condition is proposed, which requires the confirmation of the capacity prior to the commencement of development. Additionally, a condition is proposed to extend the usual timescale for the submission of ARC applications and commencement of development to beyond the normal timescales for PPP applications set out in legislation.

2.13.6 In terms of drainage, Fife Council Flooding Shoreline and Harbours Officers have been consulted. Further information was initially requested in regard to storage volumes and climate change allowance, which was originally taken as 10% but should be 20%. Further information was submitted with the calculations updated, and check certification provided, and Flooding, Shoreline and Harbours Officers have advised that they have no objections or further comments to make on the proposals, subject to further details being provided at the detailed application stage which can be dealt with through appropriate conditions.

2.13.7 In summary, subject to the condition required to ensure connection to the Scottish Water mains sewer system, the proposal is considered acceptable in terms of Policies 1, 3 and 12 in relation to drainage and wastewater.

## 2.14 Low Carbon Fife

2.14.1 SPP (2020) introduces a presumption in favour of development that contributes to sustainable development. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

2.14.2 SPP states that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;

- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery;
- and avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

2.14.3 Scottish Planning Policy (paragraph 154) notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets. To achieve this, planning should seek to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:

- Energy efficiency;
- Heat recovery;
- Efficient energy supply and storage;
- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

2.14.4 Policy 11 (Low Carbon) of the Adopted Local Plan states that planning permission will only be granted for new development where it has been demonstrated that:

1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
2. Construction materials come from local or sustainable sources;
3. Water conservation measures are in place;
4. sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and
5. Facilities are provided for the separate collection of dry recyclable waste and food waste.

All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars.

2.14.5 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, planning application applicants are expected to submit a completed sustainability development checklist (Appendix B of the guidance).

2.14.6 The application is supported by an energy statement which sets out that the development layout has been informed by the need to reduce energy demand and influenced by the need to maximise the opportunities for solar gain and energy generation. Natural day lighting and passive heat sources are maximised through the orientation of buildings and site layout. The applicant confirms that the development would meet the Bronze Active level within the Building (Scotland) Regulations. The gas boiler and integrated home appliances will be the most efficient at the time of installation. In terms of low carbon technology, the applicant proposes that every unit has Photovoltaic panels. Their statement outlines that this would provide at least a 22%

carbon reduction on the properties with up to 30% reduction on some properties. On this basis it is considered that the application is in compliance with SPP and Policy 11 in this regard.

2.14.7 In summary, the development is considered to be in compliance with SPP and FIFEplan Policies 1 and 11 in respect of Low Carbon Fife requirements.

## 2.15 Public Art

2.15.1 The Planning Obligations Framework draft Supplementary Guidance (2017) and Policy 4 of the Adopted FIFEplan sets out when public art is required and ties to the Making Fife's Places Supplementary Guidance (2018) which provides further details on how public art should be integrated into a site and when and where this should be provided.

2.15.2 The Planning Obligations Framework Supplementary Guidance advises that public art should be incorporated within development proposals, for residential developments the value of this should equate to £300 per unit. Given that this is an application for planning permission in principle, the public art requirement can be conditioned with a public art strategy for the site to be submitted under future applications for matters specified in conditions.

2.15.3 This matter can be considered further at the detailed planning application stage if the application was approved and thereby at this stage it is considered that the development would not be in conflict with the Development Plan or Supplementary Guidance in this regard.

## CONSULTATIONS

NHS Fife	No response.
The Coal Authority	No objections, subject to conditions.
Scottish Environment Protection Agency	No objections, subject to conditions.
Historic Environment Scotland	No comments.
Community Council	Object to the proposals: there is insufficient capacity in the Elie Septic Tank to facilitate the development; impact of SUDS discharge on the local environment; lack of water pressure in the area; pressure on healthcare provision; impact on wildlife; lack of EIA; historic mineshafts on the site; mine gas emissions; increased traffic flow; insufficient parking; visual impact; no social housing included within the site.
NatureScot	No objections, subject to conditions.
Parks and Development	The public right of way routes must be kept open and free from obstruction throughout construction and thereafter.
Built Heritage	No objections.
Development Plan Team (North East Fife Area)	No objections.
Natural Heritage - EPES	No objections, subject to conditions.
Land And Air Quality - EPES	No objections, subject to conditions.

Education (Directorate)	No objections.
Housing And Neighbourhood Services	No objections, subject to legal agreement tying the affordable housing requirement to the associated site and this site.
Structural Services - Flooding, Shoreline And Harbours	No objections, subject to conditions.
Environmental Health (Public Protection) - EPES	No objections.
Transportation	No objections, subject to conditions.
Urban Design - EPES	No objections, subject to conditions.
Parks Development And Countryside	An offsite contribution towards play of £1000 per unit is requested.
Scottish Water	No objections.

## REPRESENTATIONS

185 representations have been received in relation to this application. Most of the points raised in objections relate to issues covered in the assessment of the report above. The main issues these objections related to were as follows:

- Lack of community engagement.

Addressed in paragraph 1.4.5 of the main report.

- Density and unwanted precedent for the expansion of housing in the countryside.

Addressed in paragraph 2.2.3 – 2.2.4 and 2.5.7 of the main report.

- The affordable housing requirement for both EAE 001 sites is being located on the Elie site

Addressed in paragraph 2.4.2 – 2.4.3 of the main report.

- The affordable housing should remain as affordable for the lifetime of the development.

Addressed in paragraph 2.4.4 of the main report.

- The plots are generous and could lead to future in-fill development.

Addressed in paragraph 2.5.12 of the main report.

- Concern at the existing 60mph speed limit

Addressed in paragraph 2.7.2 of the main report.

- Concerns regarding the existing laybys on Ferry Road
- A Construction Management Plan should be submitted to ensure that the proposed site accesses are appropriate at construction stage.

Addressed in paragraph 2.7.3 of the main report

- Poor visibility at junctions.

Addressed in paragraph 2.7.4 of the main report

- Concern that a pedestrian access would be formed along Ferry Road.

Addressed in paragraph 2.7.6 of the main report

- Traffic concerns.

Addressed in paragraph 2.7.7 of the main report

- Lack of provision for recreational space.

Addressed in paragraph 2.8.3 – 2.8.4 of the main report

- Privacy concerns

Addressed in paragraph 2.10.2 – 2.10.3 of the main report

- Further ecology surveys should be undertaken, and impact on wildlife.

Addressed in paragraph 2.11.2 – 2.11.5 of the main report

- Insufficient capacity in the Elie septic tank.

Addressed in paragraph 2.13.3 – 2.13.6 of the main report

## **CONCLUSIONS**

The proposed development complies with the relevant policies within Scottish Planning Policy (SPP), the Adopted FIFEplan (2017) and Approved TAYplan (2017). The application proposes a residential development which complies with the requirements of allocation EAE 001 of the Adopted FIFEplan (2017). The design, scale and layout of the development is acceptable for the location having had regard for the character of the area and would be of low density, as set out within EAE 001. The application proposes a development which is sustainable in terms of transport links, is permeable and well-connected and one which creates a sense of place in terms of character, detailing materials and landscaping, subject to the proposed conditions. The proposals would not cause any significant harm in terms of amenity, flooding, transportation, landscape and also would not adversely affect the natural heritage. Overall, the development is acceptable in all regards and in compliance with the Development Plan and National Policy.

## **RECOMMENDATION**

The conclusion of a legal agreement relating to the provision of: -

- 1) A combined agreement covering 18/03579/PPP and 18/03578/PPP:

In the event that The Grange is developed, but Wadeslea is not, in order to ensure that the affordable housing as required for The Grange still goes ahead, the relevant sized area of portion of land at Wadeslea corresponding to the Grange's share of affordable provision shall be given over to affordable housing at a value determined by affordable housing. No more than 50% of the residential units shall be constructed at Wadeslea, before the agreed affordable housing units are constructed.

2) A contribution of £1,000 per residential unit towards open space/play

And the following conditions and reasons:

1. A further application(s) for the following matters shall be submitted for the approval of the Planning Authority:
  - (a) The construction of residential units and associated infrastructure;
  - (b) Details of the intended methodology and delivery of the onsite affordable housing, including a tenure and timetable for delivery, if the affordable housing is not delivered on the Wadeslea site;
  - (c) Sustainable Drainage System (SuDS) and drainage infrastructure;
  - (d) A Design Code covering the entire site;
  - (e) Roads, access, footpath and cycle path provision; and,
  - (d) Landscaping

No work shall be started on the development until the written permission of the Planning Authority has been granted for the proposals. The details thereby permitted shall be implemented as part of the development.

2. Every application for approval of matters specified by Condition 1 shall be submitted for the written approval of the Planning Authority with the following information, where relevant:-
  - (a) a location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers, and the position of all buildings;
  - (b) a detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape and public realm treatment (including materials);
  - (c) detailed plans, sections and elevations of all buildings proposed to be erected on the site, together with details of the proposed method of drainage and the colour and type of materials to be used externally on walls and roofs;
  - (d) the contractors' site facilities including storage, parking provision and areas for the storage of top soil and sub soil;
  - (e) a Design and Access Statement including a site appraisal, 3D visualisations, a landscape impact appraisal, a selection of street perspectives and a 'B-plan' in accordance with Fife Council's Making Fife's Places Supplementary Guidance (2017) or any document which amends this;
  - (f) a statement on the compliance of the development with the terms of the Fife Council's Sustainability Checklist 2010 (or as amended);
  - (g) full details of the method for the delivery of any affordable housing incorporated within that application;

- (h) a statement explaining in full how the details of the application comply with the Design Code, the affordable housing requirement, the Flood/SUDS facilities, and the road and footway/cycleway network as approved under the terms of condition 1;
- (i) Public Art Strategy for the site in accordance with Making Fife's Places Supplementary Guidance, or as superseded;
- (j) Development Framework Plan showing the whole site, including a phasing plan.
- (k) a Phase II Intrusive Site Investigation Report and any Remediation Strategy arising from the Phase II Report and the details of all mitigation measures necessary to address contaminated land issues for each phase or combined phases of development;
- (l) Details of tree protection measures for any trees bordering the site, where appropriate;
- (m) a Traffic Management Plan;
- (n) Construction Method Statement and Management Plan, including an Environmental Protection Plan, Scheme of Works relating to construction activities on site, details of the proposed construction traffic routes and wheel cleaning facilities;
- (o) Landscape Strategy for the whole site;
- (p) An updated Preliminary Ecological Appraisal Report and Extended Phase 1 habitat and protected species survey;
- (q) Details of biodiversity enhancement;
- (r) a programme of archaeological work in accordance with a detailed written scheme of investigation
- (s) Air Quality Impact Assessment

3. NO WORKS SHALL COMMENCE ON SITE until confirmation that the requisite upgrading of the sewer system is going ahead and the timetable for this is submitted for the written approval of the planning authority. This shall sit alongside a requirement from Scottish Water for a drainage impact assessment to fully understand the mitigation required.

Reason: To ensure that the required infrastructure is in place, prior to works commencing on site.

4. An application for any of the matters referred to in Conditions 1, 2 and 5 shall be made before the expiration of 6 years from the date of the grant of this planning permission in principle.

Reason: It is considered that the timescale for the submission of the ARC applications can be extended beyond that set out in legislation in this instance, due to the timescales involved in the required sewer upgrades.

5. BEFORE THE FIRST APPLICATION IS SUBMITTED FOR ANY BUILDINGS IN ANY PHASE UNDER THE TERMS OF CONDITION 1 AND 2 above the following matters shall have been submitted to and approved under the terms of conditions 1 and 2:

- the Design Code which must cover the whole PPP site area;
- Intrusive Site Investigation (Phase 2 Investigation Report) for the entire site; a Phase II Intrusive Site Investigation Report and any Remediation Strategy arising from the Phase II Report and the details of all mitigation measures necessary to address contaminated land issues for each phase or combined phases of development; and
- The submission of a further scheme of intrusive site investigations for the mine entries; the undertaking of the scheme of further intrusive site investigations; the submission of a report of findings arising from the additional intrusive site investigations; and the submission of a layout plan which identifies the exact location of the mine entries; their calculated zones of

influence, including the definition of suitable 'no-build' zones; and the submission of a scheme of treatment for the mine entries on site for the entire site.

Thereafter the further applications under conditions 1 and 2 shall reflect the above approved details where directly relevant to that further application.

Reason: To ensure that a coordinated plan for the design and delivery of the development is in place to inform the assessment of all subsequent applications.

6. The detailed plans required by Condition 2 of the consent shall clearly illustrate, in cross-section form, the existing ground level, the event of any underbuilding, the finalised floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a fixed datum point on or nearby the site such as a road or pavement which shall be identified on the submitted plans.

Reason: In the interest of visual amenity.

7. The residential development shall include Class 9 dwellinghouses and flatted dwellings and the number of residential units developed across the whole site including any affordable housing units shall not exceed 25.

Reason: To clearly define the maximum number of residential units approved under this permission.

8. The Design Code required by Condition 1 and 5 shall incorporate the design principles set out in the Design and Access Statement approved through the PPP, including the qualities of the 3 Character Areas described – The Southern Slopes, The Northern Edge and the Eastern Edge to Ferry Road.

Reason: To ensure the quality of design is consistent with that approved through the PPP.

9. The remediation works associated with the mine entry points or shallow coal workings affecting the site shall be completed prior to the commencement of work on any other part of the development.

Reason: To ensure any land stabilisation works are completed before any further activity takes place on site.

10. The sketch drawings and layout plans accompanying the application are not approved.

Reason: The details shown on the drawings submitted are not regarded as necessarily the only or best solution for the development of this site.

11. The Right of Way running through the site shall remain open during the construction works and thereafter unless agreed otherwise in writing with Fife Council as Planning Authority.

Reason: To ensure public access is retained throughout the construction period and after.

12. The Traffic Management Plan required by Condition 2(m) shall include details of construction timescales, the location of any site compound, parking for labour and



construction traffic and details of any impacts on the road network in terms of road closures etc. to ensure that the impact of the construction phase of the development creates minimal disruption to the normal operation of the surrounding road network. The Traffic Management Plan shall include the type and size of construction vehicles to be used and shall detail how these will access the site through the woodland. The development shall proceed in accordance with the terms of the approved Traffic Management Plan.

Reason: in the interest of road safety to ensure that no mud, debris or other deleterious material is carried on to the public road.

13. A further application for Approval of Matters Specified by condition 1 (e) shall incorporate the following design requirements:

- a footway 2 metres wide stretching from the development site along the Q29 public road to tie in with the existing footway within Earlsferry;
- visibility splays, dependent on the speed limit on Ferry Road (Q29), at the junctions of the access roads to the development and Ferry Road (Q29)

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

14. The footway 2 metres wide stretching from the development site along the Q29 public road to tie in with the existing footway within Earlsferry shall be constructed PRIOR TO THE OCCUPATION OF THE FIRST DWELLINGHOUSE, and carried out in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G).

Reason: In the interest of road and pedestrian safety; to ensure the provision of an adequate design layout and construction of a safe route from the development site to the village centre.

15. The visibility splays required at the junctions of the access roads to the development and Ferry Road shall be provided prior to the junction coming into use, and shall be provided in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G).

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

16. All planting carried out on site shall be maintained by the developer to the satisfaction of this planning authority 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.

17. BEFORE ANY WORKS START ON SITE, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of archaeological importance.

18. PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT the speed limit changes on Ferry Road (Q29) shall be agreed in writing with Fife Council as planning authority. The speed limit changes shall, thereafter, be fully implemented prior to occupation of the first dwellinghouse. for the avoidance of doubt the developer shall be responsible for all costs associated with the speed limit amendments.

Reason: in the interest of road safety – to ensure the provision of adequate design.

19. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines within the Making Fife's Places Supplementary Guidance.

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

20. The landscaping details required by Condition 2(b) and (o) shall include Coastal tree and native understory planting, including Pine, rather than predominantly Pine planting as indicated in the DAS.

Reason: In the interest of visual amenity – to ensure the appropriate planting in the appropriate place.

21. The Scheme of Works required under the terms of Condition 2(n) shall include measures to mitigate the effects on sensitive premises/areas etc. of dust, noise, vibration from construction activities. For the avoidance of doubt, the use of 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 referred to and complied with, where applicable. Once approved the construction of the development on the site shall be undertaken entirely in accordance with the provision of the approved Scheme. Any amendment to such a Scheme will require the prior written approval of the Planning Authority following appropriate consultation.

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

22. In the event the Preliminary Site Investigation Report required under the terms of Condition 2(k) and 5 indicates that further intrusive investigation is required, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the planning authority. Where site remediation is recommended in the said Phase II Report, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Remediation of the site shall be undertaken in accordance with the approved Remediation Strategy. Where remediation cannot be undertaken in accordance with the said Strategy, or where previously unidentified contamination is encountered on

site, all works shall cease (except site investigation works) and the planning authority notified within two working days. Unless otherwise agreed in writing with the planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and agreed in writing by the planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy. Following completion of the measures in the Remediation Strategy, a Verification Report shall be submitted for the written approval of the planning authority. Unless otherwise agreed in writing, no part of the development shall be carried out until the planning authority is satisfied the remediation of the site has been completed in accordance with the agreed Remediation Strategy. For the avoidance of doubt, all contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Development of Contaminated Land documents.

Reason: To avoid unacceptable risks to human health and the environment, to ensure the land is remediated and made suitable for its proposed use.

23. In the event that contamination not previously identified prior to the grant of planning permission or approvals of matters specified in conditions is encountered during the development, all works on site (except site investigation works) shall cease immediately and the planning authority notified within two working days. Unless otherwise agreed in writing with the planning authority, no works shall recommence until the requirements set out in Condition 22 have been followed with respect to the new source of contamination encountered.

Reason: In the interests of residential amenity; to ensure there is no risk from any site contamination to the proposed properties; to ensure no threat to public health.

24. A further application for Approval of Matters Specified by condition 1 shall include full calculations of the drainage system (including the sizing of the attenuation provisions), a completed SEPA SIA Tool Assessment to demonstrate that the SUDS provided has adequate treatment provisions and details (plan and cross section) for the attenuation and treatment components.

Reason: In the interests of drainage, to ensure adequate protection of the water environment from surface water run-off.

25. No development shall take place on site until such time as a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development.

Reason: In the interests of visual amenity.

26. All planting carried out on site shall be maintained by the developer to the satisfaction of this planning authority 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.

27. BEFORE ANY WORKS COMMENCE ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be agreed in writing by Fife Council as planning authority.

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

28. BEFORE ANY WORK STARTS ON SITE, the developer shall submit details and specifications of the protective measures necessary to safeguard trees on the site during development operations. This planning authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the 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 order to ensure no damage is caused to the existing trees during development operations.

29. The development shall comply with the recommendations set out within the Preliminary Ecological Appraisal, by Brindley Associates, May 2017 or any updated version.

Reason: In the interest of ecological protection and enhancement.

30. The biodiversity enhancement details required by Condition 2(q) shall include the exploration of opportunities to take surface water management out of pipes, to create visually attractive features that integrate with landscaping and open space.

Reason: In the interest of biodiversity enhancement on the site.

31. The existing Paddock within the site boundary shall remain free of development.

Reason: In the interest of visual amenity and to protect this area of green space.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

Scottish Planning Policy (2020)  
Designing Streets (2010)  
Creating Places (2013)  
Circular 3/2012 planning obligations and good neighbour agreements (2012)  
PAN 65 Planning and Open Space (2008)  
PAN 33 Development of Contaminated Land (2000)  
PAN 1/2011 Planning and Noise (2011)  
PAN 68 Design Statements  
PAN 77 Designing Safer Places  
PAN 78 Inclusive Design (2006)

Landscape Institute and Institute for Environmental Management and Assessment document  
Guidelines for Landscape and Visual Impact Assessment (2nd Edition, 2009)  
Development Management Procedure (Scotland) Regulations (2015)  
Air Quality and Land Use Planning (2004)  
PAN 51 (Planning and Environmental Protection)  
Land-Use Planning and Development Control: Planning for Air Quality (2015)

Development Plan:

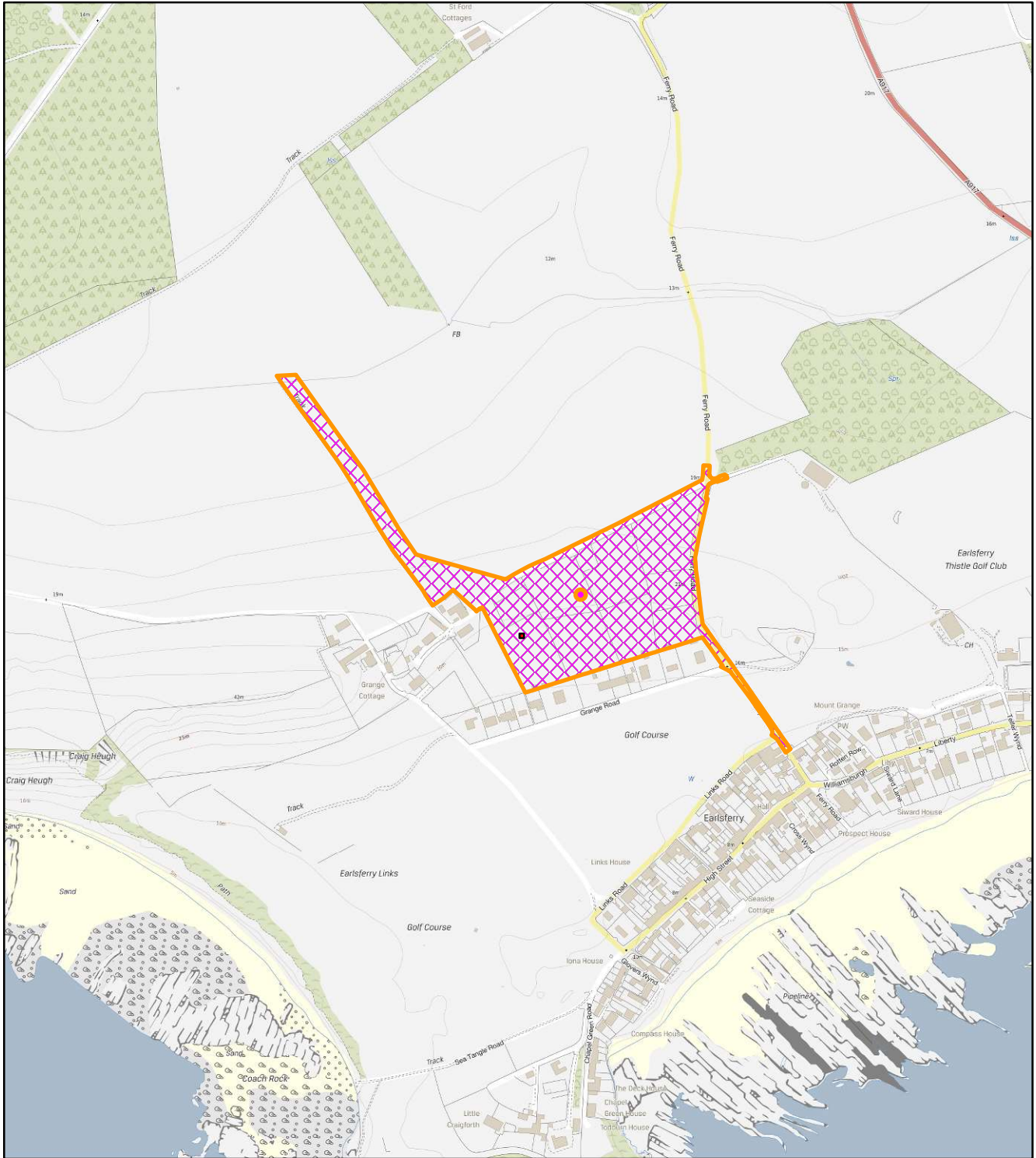
Approved TAYplan Strategic Development Plan 2016-2036 (2017)  
Adopted FIFEplan (Fife Local Development Plan) (2017)  
Making Fife's Places Supplementary Guidance (2018)  
Low Carbon Fife Supplementary Guidance (2019)

Report prepared by Natasha Cockburn, Chartered Planner  
Agreed by Alastair Hamilton, Service Manager (Committee Lead) 29/01/21

Date Printed 01/02/2021

# 18/03578/PPP

## Land To The North Of Grange Road Earlsferry



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 7**

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE REF: 18/03579/PPP**

**SITE ADDRESS: LAND TO EAST OF WADESLEA ELIE**

**PROPOSAL : PLANNING PERMISSION IN PRINCIPLE FOR MAJOR MIXED USE DEVELOPMENT COMPRISING: RESIDENTIAL UNITS (CLASS 9), ASSOCIATED CAR PARKING, OPEN SPACE, LANDSCAPING, DRAINAGE AND FORMATION OF NEW ACCESS POINTS, SMALL BUSINESS UNITS (CLASS 4), A CARE HOME (CLASS 8), RETIREMENT HOUSING (CLASS 8), ADDITIONAL PARKING FOR AN EXISTING DOCTORS SURGERY AND COMMUNITY SPACE/FACILITIES**

**APPLICANT: TRUSTEES OF THE ELIE ESTATE TRUST  
PO BOX 55 DUNDEE**

**WARD NO: W5R19  
East Neuk And Landward**

**CASE OFFICER: Natasha Cockburn**

**DATE REGISTERED: 11/03/2019**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The application is defined as a Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

**SUMMARY RECOMMENDATION**

The application is recommended for: Conditional Approval Subject to Legal Agreement.

## **ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

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. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

### **1.0 BACKGROUND**

#### **1.1 Site Description**

1.1.1 The application site relates to an area of approximately 6.87ha and adjoins the eastern side of the settlement of Elie, within the settlement boundary. The land is currently in agricultural use. Adjoining the south west corner is an area of open space (Nairn Park), designated as Protected Open Space. Residential properties are located to the north west of the site at Baird Place and agricultural land sits to the east. The A917 runs along the north of the site. Across the A917 to the north, sits Kilconquhar Local Landscape Area. The Local Landscape Area extends to the south of the site. Adjacent to the site, to the west, is the Elie and Earlsferry Conservation Area, which covers the centre of Elie.

1.1.2 The site is within the settlement boundary of Elie as a site (EAE001) allocated for housing within the Adopted FIFEplan, with a 0.1ha area of Employment Land and a 0.2ha area of Leisure/Community Facility Land allocation.

1.1.3 Green Network Opportunity (246) runs across the northern boundary of the site: a 3m wide active travel route with associated SUDS and potential for biodiversity and landscape enhancements are to be delivered as part of the route development. Proposal STM001 sets out that proposals should 'provide a 3m wide section of the NCN76 route along the northern edge of the site and establish a high-quality development edge on to this route' and notes that a development framework exists for the site. The site is also located within the Elie Coast Green Network Policy Area (EAEGN01).

#### **1.2 Site History**

1.2.1 This application is being processed in conjunction with application 18/03578/PPP for a residential development of 25 units because the two sites are linked through FIFEplan allocation EAE 001. This site is proposed to include the affordable housing requirement for the linked site in Earlsferry, with that site proposing 25 open market houses only.

1.2.2 This proposal has emerged from the ENCAP (East Neuk Community Action Plan) process, which aims to identify opportunities for the growth of the East Neuk settlements in the short, medium and long term. ENCAP aims to work with the local communities of the East Neuk in considering their settlements' needs for new development to maintain thriving communities whilst respecting the local environment and the character of the areas concerned.

1.2.3 It is anticipated that development of proposal EAE 001 will take place over a 30 year timescale. The indicative total capacity in the longer term is 190 houses. On this site in Elie, this longer-term growth area is identified by the settlement boundary to the east of the site.



Development within this Plan period, however, will be restricted to 80 houses across the two identified sites at Elie and Earlsferry. A mix of tenures is to be provided, which will offer a range of housing and lifestyles

1.2.4 It is set out that a development framework will be required to guide the design and layout of these sites and longer-term growth, with this being produced through further consultation with the community through the ENCAP process. This process should identify requirements for community facilities and employment provision on the sites East of Elie. Requirements and delivery of planning obligations must be agreed across both sites in combination.

1.2.5 Given the timescale, and the fact that a phased approach to development is required to avoid capacity issues at Elie Primary School, the indicative number of houses to be developed within the Local Development Plan period (5 years) is 80 houses.

### 1.3 Proposal

1.3.1 This application seeks planning permission in principle for a mixed-use development; including residential units, small business units, a care home, retirement housing, parking for an existing doctors' surgery and community space/facilities.

1.3.2 The illustrative masterplan proposes 55 residential homes, including affordable housing, to the southern part of the site. A care home (Class 8) is proposed at the northern boundary of the site, a GP practice extension to the west side, and retirement/care housing (Class 8) to the east of that, in the centre of the site. Business units (class 4) are indicated behind the care home to the north east. Vehicular access is proposed from the A917 to the north, and from the A917 to the west, running down the western boundary and into the site from the south, with a footpath connection indicated through Bairds Place to the west. A toucan crossing point is proposed at the entrance from the A917. An area of open space, including SUDS, is indicated to the west of the site adjacent to the GP surgery extension and the retirement homes.

1.3.3 In accordance with the FIFEplan allocation, an indicative development framework has been submitted for the entire site, including indicative proposals for the site to the east, which includes housing and open space.

### 1.4 Procedural Issues

1.4.1 The proposed development comprises more than 50 residential units and therefore, falls within the Major Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. The applicant has carried out the required pre-application consultation through holding public information events (ref: 17/04096/PAN). A Pre-Application Consultation Report outlining comments made by the public has been submitted as part of this application. The manner of the consultation exercise, including the notification and media advertisement process complied with the relevant legislation. This included two public consultation events held on 15 March 2018 and 19 April 2018 at Elie Church Hall. The public events were advertised in the Courier on 7<sup>th</sup> March 2018.

1.4.2 The application was advertised in the local press on 29<sup>th</sup> August 2019 for being contrary to the Development Plan and potential impact on the Conservation Area. Although considered contrary to the Development Plan the view has been taken that the proposals would not be significantly contrary to the Development Plan.

1.4.3 The Community Council have expressed concern that an EIA was not carried out for this application. In this regard, Fife Council was asked by the applicant to adopt a Screening Opinion under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Following a review of the submitted documents, and an assessment of the extent and significance of the potential impact of the development proposal on the natural environment, built heritage and residential amenity issues identified in the Screening Opinion, the Planning Authority concluded that the development did not constitute a significant enough effect in environmental impact assessment (EIA) terms and therefore an EIA Development under the terms of the Regulations (reference: 18/00043/SCR) within a Schedule 2 type development; under Section 10(b) - Urban Development Projects, was not required.

#### 1.4.4 Appropriate Assessment

1.4.5 As a separate part of the consideration of the application, the Council has a duty as the determining authority to consider whether an Appropriate Assessment of the proposals with specific regard to the impact the development may have on the qualifying interest of the Firth of Forth Special Protection Area (SPA) is necessary. The SPA is around 140m to the south of the site.

1.4.6 The application site is allocated and was assessed through the Local Development Plan in this regard. The mitigation measures identified have been included within the development requirements. Through assessment of this PPP, it is considered that any visual impacts can be successfully managed through the assessment at the detailed planning stage. It is therefore considered that the proposals would not have a significant potential impact on the SPA sites.

## 2.0 PLANNING ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other material considerations are as follows:

- Principle of Development
- Design Framework and Community Consultation
- Housing Land
- Employment Land
- Care Home and Retirement Housing
- Affordable Housing
- Open space provision
- Visual and Landscape Impacts
- Built Heritage
- Road Network and Parking
- Open space, green networks, garden ground and density
- Residential Amenity
- Flooding and Drainage
- Natural Heritage
- Education
- Developer Contributions
- Public Art
- Sustainability (Low Carbon)

## 2.2 Principle of Development

2.2.1 Adopted FIFEplan Policies 1 (Development Principles) and 2 (Homes) are particularly applicable. Policy 1, Part A states the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the Local Development Plan. Policy 2 states that housing development will be supported on sites allocated for housing in the FIFEplan and this is the case in this instance as the site is zoned for housing development in the Adopted FIFEplan within the allocation EAE 001 (Land to the south of A917, East of Elie).

2.2.2 Objection comments outline concern that the application cannot be defined as within the settlement because the site is on agricultural land outside the settlement of Elie. As outlined above, in accordance with FIFEplan (2017) the site is located within the settlement boundary of Elie and is also allocated for development through Allocation EAE 001. FIFEplan allocation EAE 001 covers both this site, and Land to the north of Grange Road, Earlsferry, which is covered through a separate item on this agenda. Objection comments have noted disagreement with the developments being linked and they do not consider that the process leading to the adoption of the LDP was sufficiently consultative. However, the two development proposals are linked as a result of the FIFEplan requirement through the EAE 001 requirements therefore must be assessed as such. Additionally, FIFEplan (2017) went through the required consultation process prior to it being adopted. The requirements set out in EAE 001 relating to this site includes the following:

- high quality design, a demonstration of how they have been informed by the development framework, including the longer term growth area, lower density development and building heights (1 or 1 ½ storeys) along the eastern approaches and edge, the western end of the site development should complement the adjacent Elie and Earlsferry Conservation Area. Community and employment uses to be provided on the western part of the site will be identified through further consultation with the community. These may include:
  - Small business units. These will be restricted to Use Class 4. Design and layout to ensure there are no amenity impacts on adjacent residential areas.
  - Additional parking for the adjacent doctor surgery and new business units
  - Community space/facilities
  - Local retail (complementary to existing centre in Elie)
- Existing speed limit on A917 to be relocated to the east if access point taken from A917.
- Footway into Elie to be provided.
- Existing public open space to the south to be extended and enhanced.
- High quality SUDS provision is required on this site. It must be demonstrated that no diffuse urban run-off will enter bathing waters.

Green Network Priorities on this site are:

- Provide high quality development edges and boundary treatments fronting on to the A917 and along the eastern edge of the site (considering panoramic views within and through the site).
- Provide the planting at the eastern edge prior to any works commencing on site, and put in place appropriate measures to protect it during construction
- Provide a 3-metre-wide cycle path along the northern edge of the site.
- Along the eastern and southern parts of the site, proposals should include a landscape framework that provides a transition from woodland habitat to important coastal

grasslands. This might include some limited tree planting at the north-eastern corner of the site while the emphasis at the southern boundary should be on creating coastal grasslands - the area between should provide an appropriate transition between these two habitats.

- Deliver a north-south access route along the western boundary of the site which provides access down to the coast from Wadeslea Road and provide alternative access routes to and from the east of the town to the popular visitor attraction of Ruby Bay.

Habitats Regulations Appraisal Mitigation:

- Proposals must comply with Local Development Plan Policies 1, 3, 12 and 13 and provide details of water discharge management.

2.2.3 The site is located within the settlement boundary and the principle of development is set by Allocation EAE 001. The principle of this type of development is therefore accepted, in line with Policy 1-part A of FIFEplan (2017). In terms of the proposal's compliance with Allocation EAE 001, the application includes proposals for Housing, 250sqm of Employment Land (Class 4) and a Care Home and Retirement Housing. The proposals indicate a total of 55 residential units, including 24 affordable units. This would be aligned with the allocation which indicates that 55 residential units could be accommodated on the site. Although the Class 4 units are not indicated in the position shown within the indicative layout within EAE 001, the scale would be appropriate and in line with the allocation and the indicative location has been assessed and is also considered appropriate – this is discussed further in section 2.12 of this report. The indicative layout includes additional parking for the doctors surgery, to the west of the site, in line with the allocation. Community space in the form of a new strategic link along the southern boundary of the site which will in time provide a green corridor and pedestrian/cycle route to the eastern 'Woodland Park' and up onto the A917 and equipped open space. The indicative layout does not however, include enlarged and enhanced provision of the existing public open space outwith the site. No local retail is proposed on the site, which is noted as a possible use so is not contrary to the allocation.

2.2.4 In terms of the requirement to provide a high quality design, a demonstration of how the proposals have been informed by the development framework, including the longer term growth area, lower density development and building heights (1 or 1 ½ storeys) along the eastern approaches and edge, the western end of the site development should complement the adjacent Elie and Earlsferry Conservation Area – a Design and Access Statement has been submitted, along with a Development Framework and supporting drawings all of which is discussed in detail in section 2.10 of this report.

2.2.5 The applicant has confirmed that they would relocate the existing speed limit on the A917 to the east and this would be covered through a condition. The applicant has also confirmed that they would provide a footway into Elie. These aspects are covered in further detail in section 2.12 of this report.

2.2.6 In terms of the existing public open space to the south, which the applicant is in ownership of. This is covered in section 2.8 of this report. However, contrary to the allocation, the applicant would not be providing enhancement and extension to the existing public open space.

2.2.7 In regard to the SUDS provision, in line with the allocation, a high-quality SUDS should be provided on site. It is considered that an appropriately landscaped wet pond would be preferred in this context, however the applicant notes that, whilst still subject to detailed design, the SUDS is anticipated to be dry. Overall, the applicant has indicated that a wet SUDS pond is not desired on the basis of health and safety issues of ponds in public areas and the proximity of cows grazing

and the associated flies that come with them. The overarching aim of the proposal is to integrate the SUDS into the design as attractively as possible and there would be a better chance of achieving good results with a 'dry' SUDS basin than a wet pond. This would also ensure that the SUDS area is useable as an area of open space for the community to use. The SUDS provision and drainage is discussed further in Section 2.16 of this report and is accepted by Fife Council Flooding, Shoreline and Harbours.

2.2.8 In terms of the Green Network Priorities, the applicant has indicated high quality development edges and boundary treatments fronting on to the A917 and along the eastern edge of the site (considering panoramic views within and through the site). An appropriate condition would ensure that the planting at the eastern edge is completed prior to any works commencing on site, and appropriate measures are in place to protect it during construction. The applicant has agreed to provide a 3-metre-wide cycle path along the northern edge of the site, which would be covered through a condition.

2.2.9 The allocation requirement regarding a transition from woodland habitat to important coastal grasslands along the eastern and southern parts of the site has been partly fulfilled within the proposals. The area directly to the south of the proposed development is an agricultural field and then beyond that the coastal grasslands begin. In that context, it is considered that rural hedging is an appropriate plot boundary treatment in this location, transitioning from development to agricultural land to coast. The southern edge contains the 3m wide cycle route which complies with the Community Place Plan, with grass either side. A woodland and coastal habitat edge along the east has been indicated, however. In terms of the north to south access along the western boundary, the indicative layout includes the provision of a pedestrian link along the western edge of the site, along Wadeslea Road towards Ruby Bay. An assessment of the proposals against Local Development Plan Policies 1, 3, 12 and 13 is discussed throughout this report, and details of water discharge management is provided and discussed in Section 2.15 of this report.

2.2.10 In summary the principle of the land uses proposed, subject to consideration of detailed matters in the assessment below, then this application is compliant with FIFEplan requirement for housing development on this site and therefore complies with FIFEplan Policies 1 and 2 in this regard.

## 2.3 Design Framework and Community Consultation

2.3.1 Objection comments, including comments from the Community Council, express concern that the community was not appropriately consulted. Allocation EAE 001 sets out that a development framework will be produced through further consultation with the community through the East Neuk Community Action Plan (ENCAP) process, which will identify requirements for community facilities and employment provision on the Elie site. Objections note that the views of ENCAP were not representative of the community but are representative of local landowners. They consider that, despite fulfilling the statutory PAC requirements, there has been no regard to the communities' views or concerns. In response to this view, the Community Council carried out a Charrette process to complete this assessment ('Going Forth - a Community Place Plan for Elie & Earlsferry' (July 2019)).

2.3.2 The site was first proposed for development in 2012, when it was submitted to Fife Council within a Landscape Capacity Study. It was then promoted through the Local Development Plan process through submissions to the Main Issues Report and the Proposed Plan. The applicant advises that Elie Estate has consulted with the community on three occasions through an exhibition and response process and attended several community council meetings, as well as

meeting other parties such as the Elie and Earlsferry Action group. An indicative layout was prepared within the landscape capacity submission in 2012, showing a loose street structure which identified opportunities for landscape containment, increased community facilities and how frontage orientation could respond to the site qualities. This loose framework structure was adopted by Fife Council within FIFEplan to guide future masterplanning coming forward on a phased basis over a number of years. Phase 1 was identified with a capacity of around 55 units. The applicant has confirmed that 'Going Forth - a Community Place Plan for Elie & Earlsferry' (July 2019) was produced subsequent to the allocation of both sites in FifePlan (September 2017) and the submission of PPP applications (December 2018). The applicant has reviewed this document to ensure that the proposals deliver a number of the priorities identified in the Community Place Plan.

2.3.3 The applicant has set out that the proposals will provide 24 new affordable homes of a mix of tenures, primarily aimed at the family market with a high proportion of 3-bedroom homes. The provision of good quality affordable homes is specifically identified in the Community Place Plan. The Community Place Plan highlights the need for a greater range of housing options with smaller houses, family houses and retirement flats specifically mentioned, all of which would be delivered through the proposals.

2.3.4 The Community Place Plan identified the desire for the enhancement of Nairn Park (referred to as Wadeslea Park) as well as support for a functional new playing field. As set out in more detail in Section 2.12 of this report, Fife Council have terminated its lease over the former park and the applicant therefore does not seek to extend or enhance the existing open space as part of this application. It is considered that the public open space provision to the east of Elie will, in the longer term, be extended and enhanced through the creation of a new appropriately located public park which will improve children's play park provision and increase the number of activities available locally.

2.3.5 A dedicated shared pedestrian/cycle route will be created along the southern edge of the site, linking Elie up with the National Cycle Network and other East Neuk villages.

2.3.6 Scottish Water have upgraded the water pressure in the village directly as a result of this project and discussions with Scottish Water and SEPA are ongoing with regards to upgrading the waste water and sewage systems serving the village. This is discussed further in section 2.15 of this report.

2.3.7 It is overall considered that the applicant has considered the desires of the community and they have demonstrated this through their submission.

## 2.4 Housing Land

2.4.1 SPP (Enabling Delivery of New Homes) advises that the delivery of housing land should be identified through up to date Development Plans maintaining at least a 5-year supply of effective housing land at all times; enabling a provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places. Proposals should also ensure that they protect and enhance the environment and are developed using an integrated approach to planning the whole development, and the provision of affordable housing.

2.4.2 Policy 1: Location Priorities of TAYplan Strategic Development Plan 2016-2036 (2017) (SDP) confirms the settlement strategy across the SDP area and guides the majority of development proposals towards the region's principal settlements, and distinguishes between Tier 1, 2 and 3 settlements in order or priority to accommodate new development. is included in the Tier 1 Principle Settlement Hierarchy (Policy 1A). Policy 1B relates to the sequential approach and advises that a range of sites should be made available primarily within principle settlements, and then on land on the edge of principle settlements. Where there is insufficient land or where the nature/scale of land use required cannot be accommodated within or on the edge of principle settlements and where proposals are consistent with Policy 1 Part A and Policy 2, then the expansion of other settlements should be considered.

2.4.3 TAYplan Policy 4 Homes states that Local Development Plans will plan for the average annual housing supply targets and housing land requirements illustrated on page 23 of TAYplan to assist in the delivery of the 20 year housing supply target of 38,620 homes between 2016 and 2036. For the first 12 years up to year 2028 the total housing supply target is for 23,172 homes across TAYplan. In the period 2028 to 2036 a housing supply target in the order of 15,448 homes may be required, subject to future plan reviews. To achieve this Local Development Plans will identify sufficient land within each Housing Market Area to meet the housing land requirement. Policy 4/Map 4 plan for housing supply targets of 1,931 new homes per year across the TAYplan area. This is 23,172 over the first 12 years of this plan (2016-28) and approximately 38,620 homes over the whole 20-year period. Within the TAYplan area of North East Fife as a whole, the average annual housing supply target from 2016 to 2028 is 295 and the housing land requirement is 325.

2.4.4 Adopted FIFEplan Policy 2 (Homes) states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply; on sites allocated for housing in this Plan; or, on other sites provided the proposal is compliant with the policies for the location. Policy 1 (Development Principles) re-affirms this by stating the principle of development shall be supported where the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the Local Development Plan. Policy 2 also advises that in terms of development requirements, all housing proposals must meet the requirements for the site identified in the settlement plan tables and relevant site brief; and, include provision for appropriate screening or separation distances to safeguard future residential amenity and the continued operation of lawful neighbouring uses in cases where there is potential for disturbance. The application site lies within the St Andrews and North East Fife Housing Market Area. FIFEplan Figure 2.3A notes that the LDP housing land requirement for this HMA (2009 - 2026) is 2,940 homes, the total supply is 3,107 homes therefore, there is a surplus of 167 homes within the HMA. For the 2016 - 2026 period Figure 2.3B notes the housing land requirement for this HMA would be 2,100 the total supply is 2,453 homes therefore, there is a surplus again of 167 within the HMA.

2.4.5 Objection comments consider that, whilst the need for affordable housing is accepted, there is no clear need for the scale of the proposed development. Objections consider that the majority of houses put on the market are bought by second homeowners and there are concerns as to how it can be ensured that these houses are bought by or rented to individuals as main residences.

2.4.6 As discussed above, the site has been allocated for the number of units proposed within this planning permission in principle, and the site is an effective site in the Housing Land Audit (HLA) for 55 homes. This planning application is for 55 units with the first house completion expected in 2023 and a completion rate of 15-20 houses per year and therefore the scale of the proposed

development is in accordance with the Local Development Plan. There are no planning controls that can be put in place to ensure that the homes are not bought by second homeowners, however a condition is recommended to ensure that the homes are not used as Housing in Multiple Occupation (HMO). Additionally, the housing market is not a planning consideration.

2.4.7 In this instance the proposal is considered acceptable as it would involve the development of an already identified housing land opportunity site where the site has been taken into consideration as part of the FIFEplan and the most up to date Housing Land Audit document.

## 2.5 Employment Land

2.5.1 FIFEplan (2017) Policy 5 sets out that all existing employment areas, and those allocated in the Plan, identified on the Proposals Map, will be safeguarded for continued industrial and business use. Development for industrial or business uses in these areas will be supported only if: it is an employment use class consistent with existing or proposed employment activity on the site or neighbouring site; or it will not restrict the activities of existing or future businesses on the site or neighbouring employment sites. In all cases, an assessment must be undertaken to identify the potential impact: on established business operations from the proposed use; on the amenity of the new use given the industrial or business nature of the surrounding uses; and on the amenity of surrounding land uses with particular emphasis being given to the impact on residential amenity. Where potential negative impacts are identified, a separation buffer zone or screening will have to be provided to protect amenity. The nature of the separation will be defined at the planning application stage.

2.5.2 An objection comment notes that the applications could undercut employment prospects in 'Mara Seaweed' and reduce opportunities for investment in the industry. The objection also considers that the proposals will restrict the activities of the existing seaweed business and that an assessment on the impact of the proposals on the seaweed business should be undertaken in consultation with Mara Seaweed and the Crown Estate. Objection comments consider the proposals to be an over-provision of class 4 workshops.

2.5.3 In response, the applicant does not have a statutory requirement to consult specific businesses. The Class 4 uses are identified within the Local Development Plan on this site; therefore the use has already been considered appropriate. As discussed below, there is a shortage of quality business spaces across the East Neuk that this proposal would address, therefore it is not considered that the proposals would undercut any employment prospects elsewhere.

2.5.4 In terms of the allocation, EAE 001 sets out that 0.2ha of employment land should be provided on site, and it indicates the land to be to the west of the site. 250sqm of employment land is indicated on the proposed site plan, which is in line with Allocation EAE 001. This can be conditioned. Additionally, EAE 001 sets out that Class 4 units would be preferred, which is what is proposed as part of this application.

2.5.5 The Economic Development Team have been consulted and have advised that they welcome the inclusion of Class 4 business units as part of the development. It is noted that, in general, there is a shortage of quality business space across the East Neuk, which this proposal would help address. The East Neuk offers an exceptional quality of life and the Class 4 units will provide the opportunity to operate a business from this attractive area to live in. Whilst Economic Development are supportive of the inclusion of units, they have some reservations regarding their location in the development. Allocation EAE 001 states that the design and layout should ensure



that there are no amenity impacts on adjacent residential areas. The units are surrounded by residential on all sides, which could lead to potential issues for the operation of any business from the units and potential loss of amenity for the surrounding residential. Furthermore, the units would benefit from having a road frontage so that any businesses could gain from a more visible location. Given the units would be Class 4, it is not considered that the units explicitly require a main road frontage and it is also considered that they could further enhance the mixed used characteristic of the development, by breaking up the wider residential uses. Furthermore, a Class 4 use would not be a characteristically noisy use, whereas other business uses have a potential to be noisy. As mentioned above, the use class can be controlled through a condition.

2.5.6 Following consultation with Fife Council Environmental Health (Public Protection), it is considered that it would be appropriate to add a condition to this consent which would require the submission of a noise report to demonstrate that the Class 4 units would not detrimentally impact on the adjacent residential areas, including the care home. This would not be possible to accurately assess at this early stage because there is no detail on the potential future occupiers of the units. Once more information is available, a more accurate assessment could be undertaken to establish this. It is recommended that this requirement is covered through a condition.

2.5.7 Overall, the proposals would comply with Policy 5 of FIFEplan and Allocation EAE 001 in terms of the employment land proposed.

## 2.6 Care Home and Retirement Housing

2.6.1 FIFEplan (2017) Policy 2 sets out that the Council, in consultation with other appropriate organisations, will seek to ensure that there is a justified distribution of nursing and residential care provision based on assessed local health and social care needs throughout Fife. Such provision, covering both new development and change of use, should be in or adjacent to existing predominantly residential areas, but should not lead to a concentration of such facilities. The establishment of residentially based care in the community facilities in other areas will only be supported where a good residential environment can be assured and where there are no other locations available, or where other special circumstances prevail. All proposals must:

1. have good access to community facilities, emergency services and public transport;
2. provide a good residential environment;
3. be of a scale and character appropriate to the surrounding area; and
4. have suitable access for elderly people and those with mobility problems.

There should be no land uses in the surrounding area that would adversely impact on the amenity of the proposed facility.

2.6.2 Objections note concerns regarding the provision of another care home or retirement homes as Earlsferry already has one. The comments consider that more affordable housing instead, would invite a new generation of people to stay in the village.

2.6.3 It is noted that the requirement for retirement homes is set out as a priority in the outcomes of the Charette so would fulfil one of the community's aspirations. As per Policy 2, the care home would be located in an area where there would be access to community facilities and public transport; would be of a scale and character appropriate to the surrounding area and would have suitable access. The surrounding uses would be residential therefore there would be no adverse impact on the amenity of the facility likely.

2.6.4 Objections note concern that the proposed retirement homes would actually be private homes for individuals or couples that maintain independent living. They note that there is no provision for Class 8 development with the Local Plan allocation and therefore Class 8 cannot be considered to be a type of housing tenure that may be permissible under the allocation. Unless the retirement dwellings include a permanent presence on site for care/assisted living purposes these units should not be defined as Class 8 but should be considered as private flats. They consider that the retirement dwellings are an alternative form of private housing, which is of a scale that when combined with the other 55 units will have an adverse impact on the character and amenity of the settlement.

2.6.5 As noted above, the use is considered to be appropriate in this location and would complement the proposed development and surrounding area, without causing any adverse impacts. The retirement homes would be classed as Class 8 – Residential Institution, which is for the provision of residential accommodation and care to people in need of care, other than a use within Class 9 (houses); a hospital or nursing home or a residential school, college or training centre. The application sets out that the housing would be retirement housing, for occupiers of retirement age. For this reason, a legal agreement is recommended, stipulating an age restriction to over 55 years. Additionally, the Class 8 use has particular requirements that care needs to be provided on site. There will therefore be little risk that the retirement homes can become holiday homes, given the restrictions that this use class has. Further to this, planning permission would be required to change the use of these units.

2.6.6 Overall, the proposed care home and retirement homes, whilst not specifically included within the list of uses allocated on this site, would be appropriate and comply with the relevant policies of FIFEplan, including Policy 2. The retirement homes would be subject to a legal agreement, restricting the age of occupants to over 55.

## 2.7 Affordable Housing

2.7.1 SPP states that as far as possible tenure should not be discernible from its design, quality and appearance. PAN 67 states that 'pepper potting' and large grouping of tenure should be avoided with small groupings preferable. Policy 2 of the Adopted FIFEplan states that open market housing development must provide affordable housing at the levels shown in Figure 2.2 for each Housing Market Area (HMA), consistent with the Affordable Housing Supplementary Guidance. This should be fully integrated into new development and be indistinguishable from other forms of housing. In order to achieve mixed and balanced communities, mixed tenure developments will be promoted. FIFEplan (2017) Policy 2 sets out that open market housing development must provide affordable housing at the levels appropriate to each Housing Market Area (HMA). For Elie and Earlsferry, this equates to 30%.

2.7.2 Objections note concern that there is little employment opportunity in the area. They note that they support the concept of integrated social housing within the village, however this proposal sets the housing at the extremities of the village which is not conducive to integration. The strategy of integration of social housing within the village has been successful in the past and this should be replicated wherever possible. The Community Council have expressed concern that the affordable housing is proposed to be Mid Market Rent, which could, in future, be sold for profit.

2.7.3 In response, the Service notes that there is an affordable housing policy and guidance which requires a certain proportion of affordable housing to be provided within the site and preference is for the housing to be integrated into the site itself, rather than outwith the site elsewhere in the

village. In this instance, Fife Council Housing Services have confirmed that there is an affordable housing need in the area, proportionate to that proposed and they are content with the location of the affordable housing. They are also content that the affordable housing provision for the Earlsferry site is provided on this site in Elie because the two sites are linked through the Local Development Plan and are within the same Housing Market Area. In regard to the Mid Market Rent option, Fife Council Housing Services have advised that they would be content with the affordable units to be provided as Mid Market Rent, as per the agreement that the applicant currently has with Kingdom Housing Association as the Registered Social Landlord. The affordable housing would have to be retained as such to meet the requirements.

2.7.4 In line with the adopted FIFEplan (Sept 2017) and the Affordable Housing Supplementary Planning Guidance (2018), Fife Council would require that 30% of the total units be made available as affordable, which would equate to 24 units for the 80 units indicated through this PPP and The Grange PPP. The provision of affordable housing for the Grange Road, Earlsferry development and this development is proposed within this site only. Given the sites are linked, through the Local Development Plan and are within the same Housing Market Area, this would be reasonable and is something that Fife Council Housing Services are supportive of. The delivery of affordable housing would be controlled through a legal agreement, ensuring that affordable housing is provided timeously on site, for this site and the associated Earlsferry site and, if no affordable housing is delivered on this site, then a portion of land must be made available on the Earlsferry site for the provision of the required proportion of affordable housing on that site. Fife Housing Services have been consulted and have noted that, in principle this is acceptable. Housing Services have advised that, on housing need, the affordable housing requirement should be provided as social rented housing as this is the highest priority. The proposed mix for the affordable housing is: 4x two bedroom cottage flats, 2x two bedroom amenity bungalows, 2x two bedroom wheelchair bungalows, 9x two bedroom 2 storey houses, 4x three bedroom 2 storey houses, 2x 4 bedroom 2 storey houses and 1x 5 bedroom 2 storey houses. The proposed Retirement Homes on the site would be considered a Residential Institution (Class 8) thereby not requiring a proportion of affordable housing, as this use is exempt from the provision of affordable housing, as per the Fife Council Affordable Housing Supplementary Guidance. A legal agreement is proposed which would ensure the retirement housing would include an element of care, as set out within the Use Class Order.

2.7.5 As this is a PPP application, further details would come through regarding the affordable housing provision, including layout, mix and tenure, within future detailed applications.

2.7.6 The proposal would provide the required affordable housing and therefore the development would accord with National Policy and Guidance, the Development Plan and associated Supplementary Guidance.

## 2.8 Open Space

2.8.1 FIFEplan Policies 1 (Development Principles), 3 (Infrastructure and Services), 4 (Planning Obligations), Policy 10 (Amenity) and Policy 13 (Natural Environment and Access) of the FIFEplan are applicable. Policy 3 in particular advises that proposals should be served by adequate green infrastructure. 'Making Fife's Places' (2018) provides further information how and when open space and green networks should be provided. Further guidance is also provided in relation to Fife Council's Planning Obligations Supplementary Guidance (2017).

2.8.2 Allocation EAE 001 sets out that the development should include an improvement and extension to the existing area of open space at Nairn Park, to the south of the site. This is a separate requirement set out alongside the requirement for community space/facilities on the site.

2.8.3 Objectors, including the Community Council, raise concern that the applicant does not intend to upgrade the existing area of open space, but instead intends to provide a new area of open space within the development. They note that losing the sports pitch would be a loss to those who play there.

2.8.4 In this regard, it is noted that, since the site was allocated for FIFEplan (2017), circumstances have changed and the lease for the park has since been terminated by Fife Council, who were previously maintaining the land. The land is no longer therefore used as a sports pitch. Following the change in circumstances, the applicant re-considered the location of the public open space and has now indicated a new opportunity for a new community park to the east of the site, included within the wider aspirations for the future expansion of the site but not included within the red line boundary of this application.

2.8.5 Fife Council Parks and Countryside Development Officers have been consulted on this application and in relation to this issue, they have no objections to the applicant's proposal to create a new area of open space nor do they have any objection to the existing park not being extended or enhanced.

2.8.6 The applicant considers that the new proposed location would be a more appropriate location for public open space, as it would be well-integrated into the surrounding development and overlooked by residential uses.

2.8.7 There is no objection from Fife Council Parks Officers and it is considered that Fife Council's termination of its lease over the playing fields at Nairn Park in 2018 represents a material change in circumstances from what was adopted in the Local Development Plan in 2017. On balance, and taking all considerations into account, the new proposals would enable public open space to be provided in a more logical, centralised location which contributes to the sense of place being well integrated into the surrounding development.

2.8.8 The principle that public open space will be enlarged and enhanced will therefore still be achieved in future, albeit in a more appropriate location in the local vicinity. The applicant has advised that they welcome the opportunity of working with the local community in addressing the recreational needs of the community.

2.8.9 Overall, the proposals would not meet the requirements set out within EAE001 in terms of the upgrading of the existing open space. However, there is suitable justification for this requirement not to be carried out in this instance.

## 2.9 Community Space/Facilities

2.9.1 Allocation EAE 001 sets out that the development should include community space/facilities. In this regard, the applicant is proposing to provide equipped open space with seating areas to fulfil this requirement. Additionally, a new strategic link is proposed along the southern boundary of the site which would provide a green corridor and pedestrian/cycle route to the eastern 'Woodland Park' and up onto the A917. The applicant is in dialogue with members of the Cycle Path project who recently secured funding from Sustrans for a shared pedestrian/cycle link from Earlsferry to Crail and which this 'strategic link' will form part.

2.9.2 A condition is proposed which would secure the provision of this and it is therefore accepted that these proposals can form the community space/facilities set out within the aspirations of EAE 001.

## 2.10 Visual and Landscape Impacts

2.10.1 FIFEplan Policies 1 (Development Principles), 10 (Amenity) and 14 (Built and Historic Environment), require new development to make a positive contribution to its immediate environment in terms of the quality of the development. Further detail on good design and how this should relate to its context is contained in the guidance 'Making Fife's Places' (2018), which reflects applicable national guidance in Scottish Planning Policy, 'Designing Streets' and 'Creating Places'. This policy and guidance framework set's out a comprehensive basis for how new development should be laid out and designed - with this summarised in six key qualities of a successful place. These six qualities state that developments should be: distinctive; welcoming; adaptable and resource efficient; safe and pleasant; and easy to move around and beyond. Some of these qualities are addressed more directly in later sections of this assessment however in relation to visual impact it is particularly noted that proposals should be distinctive; safe and pleasant; and welcoming.

2.10.2 The requirements set out in EAE 001 relating to this site includes the requirement for a high quality design, a demonstration of how the proposals have been informed by the development framework, including the longer term growth area, lower density development and building heights (1 or 1 ½ storeys) along the eastern approaches and edge, and a requirement for the western end of the site development to complement the adjacent Elie and Earlsferry Conservation Area.

2.10.3 Objections note that the planning application has not recognised the community views on scale and capacity issues, and the impact on the golf course which would be spoiled by the changes that are proposed. They note concern that the scale, nature and type of the proposed development is not within keeping with the natural or current built environment or surroundings.

2.10.4 In this regard, the application includes a Design and Access Statement (DAS) which provides examples of the types of development alongside general character features for each area. Whilst it is acknowledged that this would not allow for certainty, it is considered that strong controls can be placed on the detailed design, by way of a condition requiring the submission of a Design Code as a first phase detailed planning application, preceding any other detailed applications. This is an appropriate mechanism to ensure an overall acceptability of design. The applicant has commented that the Design and Access Statement refers to materials that would be considered appropriate, but it would not be desirable to tie future private house builders into a Design Code with a specific style and monotony of materials. Section 9.4.1 of the DAS explains the design intention that 'the workshops should similarly reference the housing in terms of form and massing...' and the November 2019 Addendum document explains that they will be screened from the street by a hedge boundary and street tree planting. Given the units would be Class 4, it is not considered that the units explicitly require a main road frontage and it is also considered that they could further enhance the mixed used characteristic of the development, by breaking up the wider residential uses. However, they should be included within a Design Code to ensure that the buildings will satisfactorily integrate within the site and surrounding residential context. A Design Code would be required to be submitted as a first phase detailed planning application, preceding any other detailed applications which will ensure that the general character features and design outlined within the DAS can be carried over into future detailed applications, and it

provides a level of control and consistency over the site as it progresses with potential house builders over time.

2.10.5 In terms of the EAE 001 requirements, the DAS includes a demonstration of high-quality design and a Design Code, as referred to above, would further ensure that there is a strong control on the detailed design coming forward in future. The DAS identifies the key aspects of the concept, identifying the main principles that underlie the initial development framework. These elements are linked by a network of streets and paths which connect with the wider surroundings creating a legible site structure and a distinct sense of place. The Development Framework and illustrative Masterplan presented in the DAS have shown to have evolved over the course of the design process. The way in which the plan has changed has been as a result of increased technical understanding of the site, consultation with Fife Council and consultation with the community. The DAS shows a clear demonstration of how the proposals have been informed by the design framework.

## 2.11 Built Heritage

2.11.1 In general terms the SPP (2020) states that the planning system should promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning. The planning system should also enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

2.11.2 Similarly Historic Environment Scotland Policy Statement (2016) sets out the key test set by the legislation that planning authorities should have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest that it possesses. Policy 1 (Part B (10) of the Adopted FIFEplan (2017) states that development must safeguard the characteristics of the historic environment, including archaeology Policy 14 of the Adopted FIFEplan (2017) advises that development affecting a listed building, or its setting, shall preserve the building, or its setting, or any features of special architectural or historic interest it possesses. The design, materials, scale and siting of any development shall be appropriate to the character and appearance of the listed building and its setting.

2.11.3 SPP (2020) states that planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording. PAN2/2011 (Planning and Archaeology) advises that, in determining planning applications, planning authorities should take into account the relative importance of archaeological sites. It also notes that in determining planning applications that may impact on archaeological features or their setting, planning authorities may on occasion have to balance the benefits of development against the importance of archaeological features.

2.11.4 The development relates to a site located to the east of and adjacent to the Elie and Earlsferry Conservation Area, therefore the Elie and Earlsferry Conservation Area Appraisal and Management Plan is relevant.

2.11.5 Objection comments note concern that the proposals would have an adverse impact on the setting of listed buildings and would harm or damage the character and special appearance of the conservation area and its setting. They also note concern that the proposals would harm the appearance of the conservation area. Objections consider that the development would increase the size of the town by over 15% and undercut its historic appeal which brings tourism to the East of Neuk of Fife from all over the world.

2.11.6 It is considered that the development would not directly affect listed buildings but would impact on the special architectural and historic character and appearance of the conservation area. Historic Environment Scotland guidance, 'Managing Change in the Historic Environment. Setting' notes the contribution made by the sense of place, which includes such things as noise and remoteness, and the character of the surrounding landscape. The main coastal road approach to the conservation area, from the east, is significant. The character to the south is of open fields, with distant views of the sea. The settlement sits low and is inconspicuous within the landscape. The sense of isolation and of approach is reinforced by the long lengths of uninterrupted rubble masonry walls each side of the road. The landscape to the north is characterised by the policies of Elie House, with tree landscaping and an entrance lodge, before abruptly arriving at the High Street, one of the main character areas. Recent, relatively small-scale development, to the south of the road and on North Street, has diminished this special character. Fife Council Built Heritage Officers, however, consider that this special character remains. Fife Council Built Heritage Officers consider that the development would to increasing extents, fundamentally alter this special character and appearance. They consider that the proposed row of trees would not adequately mitigate the visual impact and would introduce an alien feature and it would diminish the historic physical relationship of the village with Elie House. They consider that the scale of the development would generate additional traffic, with associated noise, movement and activity and there would be an adverse impact on the special architectural and historic character and appearance of the conservation area. Taking the above into account however, the site is allocated for development, therefore an increase in traffic and scale is inevitable with this allocation. Historic Environment Scotland were consulted on this application. They have considered the proposals and have advised that they have no comments to make. Taking the Built Heritage comments into account, alongside Urban Design comments, it is considered that the proposed condition regarding the requirement for the submission of a design code, will sufficiently ensure that concerns regarding the impact on the conservation area can be taken into account through the more detailed design stage of this application.

2.11.7 The Council's Archaeology officer was consulted and outlined that the site is not covered by any historic environment designations and lies out with the Elie Archaeological Area of Regional Importance. However, aerial photographs indicate the likely presence of a range of multi-period buried features of archaeological interest. A number of archaeological sites are also recorded in the general area and the Elie landscape is generally regarded as an archaeologically rich area of Fife. Multi-period archaeological deposits are likely to exist across the site.

2.11.8 An archaeological condition securing the implementation of a programme of archaeological works in accordance with a detailed written scheme of investigation should therefore be attached, should planning permission in principle be granted. The proposed development is in accordance with SPP and FIFEplan Policy 14, subject to the aforementioned conditions.

## 2.12 Road Network and Parking

2.12.1 FIFEplan Policies 1 (Development Principles) and 3 (Infrastructure and Services) are particularly applicable. Policy 3 requires that developments must be designed and implemented in a manner that ensures they deliver the required level of infrastructure, with the policy subsequently specifying that this may include the need for safe access routes which link with existing networks. Making Fife's Places Supplementary Guidance (August 2018) also provides further detail in respect of transportation issues, particularly within Appendix G.

2.12.2 Primary access to the site will be taken directly from the A917. In accordance with the requirements of Designing Streets multiple access points should be provided in order to provide good connectivity with the existing developed town. It is envisaged that a further vehicular access off the A917 would be provided to the adjacent area to the east, outwith the lifetime of FIFEPlan.

2.12.3 The existing 30mph speed limit begins just to the east of Baird Avenue. This would be required to be relocated to the east of the proposed access off the A917. The existing gateway features would also have to be relocated to the new 30mph location. The relocation of the speed limit would require an amendment to the existing traffic regulation order and would therefore be progressed by Transportation Services. The developer would be expected to bear the cost of relocating the speed limit and gateway features and they have accepted that this is the case.

2.12.4 Objection comments note that there should be an improved vehicular connection to Ruby Bay. Fife Council Transportation Development Management Officers note that FIFEPlan requires the development to provide an improved vehicular access to Ruby Bay. It is anticipated that this would be provided via the new junction on the A917, through the development, to connect to Wadeslea at the south of the development.

2.12.5 The road access on either end of the road on the Wadeslea side of the site is narrow and inaccessible to a high volume of vehicle traffic access to the new development from Wadeslea. It is noted by objectors that this area of Elie can have high numbers of walkers, cyclists, and children and it is also the access point to Ruby Bay. Objections note that there are current issues with the junction of Wadeslea and the High Street which would be impacted with a higher flow of traffic using this area.

2.12.6 It is agreed that the existing junction of Wadeslea with the A917 is substandard in terms of visibility to the west. Therefore, the developer would be required to demonstrate that visibility improvements can be made at this junction through the submission of a detailed planning application in future, otherwise the development must be designed to ensure that the road layout does not favour access via Wadeslea to ensure there is no intensification of traffic at the Wadeslea /A917 junction.

2.12.7 The indicative layout submitted by the applicant shows a grid type arrangement, in keeping with the requirements of Designing Streets. The layout shows interconnecting streets and paths. In particular, several paths are indicated connecting to Wadeslea, providing important links to the existing town. It is noted that, whilst informative, this layout is indicative only and does not represent the final development layout.

2.12.8 Objections note concern regarding additional traffic, particularly in tourist season. They note concern that the proposals would increase the capacity of the roads within Elie to an unacceptable level. They note that Ferry Road is not capable of coping with additional traffic, given it is a narrow road with a narrow bridge.



2.12.9 In this regard, a Transport Statement was submitted with the application. The statement advises that the residential element of the development (assuming 55 dwelling houses) would generate 41 am vehicle trips (two-way) and 49 pm vehicle Trips (two way). Additional information provided by the developer indicated that the retirement flats, care home and business units could generate an additional 13 am and pm vehicle trips. (two way). In total 54 am peak vehicle trips and 62 pm vehicle trips (two -way) are anticipated to be generated from the development. This represents an average of one vehicle trip per minute during the peak hours. The surrounding road network has sufficient spare capacity to easily cope with the additional traffic.

2.12.10 New development should be within 400m of a bus stop to encourage use of sustainable modes of transport. Existing bus stops are currently available on the A917 to the west of Wadeslea and are within 400m of the site. These stops serve the 95 service with provides an hourly service Monday to Friday eastbound towards St. Andrews and westbound towards Leven. The X60 Service also provides an hourly service to St. Andrews to the east and Edinburgh to the west. A school bus service also provides access to Waid Academy.

2.12.11 Objections are concerned that there are no cycleways around this area and cycling as it is can be extremely hazardous. They note that an increase in traffic with no improved cycle ways is unacceptable.

2.12.12 In this regard, an on-road cycle route extends along Elie High Street. It is intended that a cycle path shall be provided along the northern boundary of the site. Pedestrian links would be provided to ensure good connections with the town, beach area, Ruby Bay and the coastal path which is welcomed and would improve the existing situation in regard to cycle routes.

2.12.13 Objections also note concern regarding parking capacity. Parking for the proposed development shall be in accordance with the current Fife Council Transportation Development Guidelines. The provision of visitor parking and electric vehicle charging points would be required. The allocation requires off street parking to be provided within the site for the existing doctor's surgery on Wadeslea. This is shown in the indicative drawings and a condition is recommended to cover this requirement.

2.12.14 In summary the proposal is considered acceptable in terms of parking and access and therefore is compliant with FIFEplan Policies 1 (Development Principles) and 3 (Infrastructure and Services) in this regard.

## 2.13 Open space, green networks, garden ground and density

2.13.1 FIFEplan Policies 1 (Development Principles), 3 (Infrastructure and Services), 4 (Planning Obligations), Policy 10 (Amenity) and Policy 13 (Natural Environment and Access). of the FIFEplan are applicable. Policy 3 in particular advises that proposals should be served by adequate green infrastructure. 'Making Fife's Places' (2018) provides further information how and when open space and green networks should be provided. Further guidance is also provided in relation to Fife Council's Planning Obligations Supplementary Guidance (2017). In addition, Fife Council's Customer Guidance on Garden Ground (2016) is also relevant.

2.13.2 In terms of garden ground provision, it is noted that applicable guidance advises that 100sqm of private garden ground should be provided for each detached and semi-detached house, with 50 sqm per unit provided for each flat. From the indicative plans, it is likely that this would be achievable. A condition is recommended, which would ensure that appropriate garden

ground levels are achieved throughout the development when detailed planning applications are submitted and assessed.

2.13.3 The FIFEplan allocation for the site notes that the Green Network Opportunity (246) runs across the northern boundary of the site: a 3m wide active travel route with associated SUDS and potential for biodiversity and landscape enhancements to be delivered as part of the route development. Proposal STM001 - Provide a 3m wide section of the NCN76 route along the northern edge of the site and establish a high-quality development edge on to this route. The site is within the Elie Coast Green Network Policy Area (EAEGN01). The FIFEplan allocation also states that the site is required to upgrade the existing open space adjacent to the site at Nairn Park.

2.13.4 FIFEplan Policy 3 sets out that open space requirement for new housing development will be determined by considering the size of the development, the distance of the development from existing open space and the quality of the route to walk to that open space. The distance a person has to walk from their house to access greenspace. The Fife Greenspace strategy sets the aspiration that all residents in Fife will be within 250m of a 0.2-hectare open space. This distance is based upon the reasonable walking distance of an 8-year-old and will be used as a guide to determine whether a new development will require on-site open space or whether a contribution towards improving existing open space is more appropriate. In simple terms, if all new houses are within 250m (walkable distance) of an existing 0.2 hectare (or near as) green space then no additional green space will be required on site. The open space requirement can be met through a contribution per house towards the upgrade of the existing open space.

2.13.5 The existing Nairn Park is within 250m of the homes proposed in the application and the proposed Western SUDS park will be within 250m of all homes. The route to be walked from a new development to existing open green space must be safe (easily overlooked), attractive, easy to navigate and have no major physical barriers such as busy roads.

2.13.6 The site layout has been designed to promote a clear, direct and safe connection to the existing open space via the 'strategic link' and existing path network identified on the Development Framework. The 'strategic link' will provide a pedestrian priority route (shared path/cycle way) which will facilitate direct connection between the new development area and the existing area of open space known as Nairn Park to the south -west, to Elie Beach to the east and to Ruby Bay to the south. The 'strategic link' will be overlooked by housing and should be lit appropriately. Where the path connects and continues along the primary street, the pedestrian route should have priority where it has to cross a residential street to promote a safe route.

2.13.7 New housing developments of over 10 residential units will be expected to provide 60m<sup>2</sup> of green space for each new dwelling. Notwithstanding the access to Elie Beach adjacent to the site area and Nairn Park on the southern boundary, guidance given in the LDP requires the provision of 60sqm of open space per dwelling. For this application of 55 units an area of 3,300sqm is required. There is adequate land within the application site to accommodate the open space requirements – as the application is a PPP application, the proposals have sufficiently demonstrated that the required open space can be met on the site and conditions can ensure that this is delivered through later detailed applications. There is a large area of open space in the centre of the site and a green corridor along the eastern boundary which can be used by the public.

2.13.8 Using the site long term capacity of around 165 residential units for the whole of Wadeslea development, an area of approximately 9,900sqm would be required. Indicatively, the application has shown a park containing an equipped play area and SUDS to the east of the application site, within the wider area. However, this PPP relates only to the proportion of the site outlined within the red line boundary and does not include the area of land to the east. The applicant refers to this area of open space as the New Town Park.

2.13.9 In terms of the requirement for local equipped play areas, Making Fife's Places sets out that these must be provided on site for developments of over 200 houses that are more than 500m from an existing equipped play area. Generally new housing within 500m walking distance of an existing equipped play area will not be required to provide these facilities on site (dependent on the quality of the route). However, financial contributions will be required to upgrade existing facilities that will be used by the residents of the new development.

2.13.10 The first phase of development is for 55 homes and, although the site is allocated for a long-term growth proposal, the scale of the overall development would not exceed 200 houses. The site is within 500m of an equipped play area located on Woodside Road/Woodside Crescent. Parks, Development and Countryside Officers have requested contributions towards play facilities towards existing facilities as per the requirements set out within Making Fife's Places and the Planning Obligations Supplementary Guidance. The details of which park the contribution would apply will be discussed further throughout the S75 process.

2.13.11 The major open space proposed at Wadeslea is the new park (1.05ha) which is located almost centrally in the context of the longer-term plan. This space would fulfil Fife Councils' usable public open space requirements for a site based on 165 units. This park would be connected directly to the primary streets and links to the green link to the south and east of the site. The applicant states that this park would contain an area of equipped play and provide opportunities for imaginative play and educational resources and it may in time replace the football pitch, as Fife Council have recently terminated their lease over Nairn Park.

2.13.12 The proposed strategic link along the southern edge of the site will provide an attractive traffic free route within a green corridor. This link will connect with the network of new and existing paths through and around the site ensuring Wadeslea is a well-connected development.

2.13.13 In summary, in relation to open space, green networks, garden ground and density - the proposal is considered on balance to meet the requirements of FIFEplan Policies 1 (Development Principles), 3 (Infrastructure and Services), 4 (Planning Obligations), Policy 10 (Amenity) and Policy 13 (Natural Environment and Access).

## 2.14 Residential Amenity

2.14.1 Fife Council's Planning Customer Guidelines on Daylight and Sunlight complement the aforementioned policies by advocating that the design of residential environments must seek to ensure that adequate levels of natural light can be achieved within new development and unacceptable impacts on light or sunlight to nearby properties are avoided. Fife Council's Planning Customer Guideline on Minimum Distances between Window Openings sets out British Industry Standards on the accepted distance between windows to ensure personal privacy is maintained.

2.14.2 As the application is for Planning Permission in Principle there is no set layout to which loss of privacy, sunlight or daylight can be measured. The residential units within the development could be positioned so as to not cause any detrimental impact on existing residences as there are very few fronting onto the site. The development would result in an increase in traffic through an existing residential area however the number of units proposed would not result in a significant increase in traffic that would be detrimental to existing residents and again there are very few existing properties which front onto the road.

2.14.3 In regard to the Class 4 units, Fife Council Environmental Health (Public Protection) advise that when a detailed application is submitted, they may require a noise report to be undertaken. The report shall include a written scheme of how nearby proposed and existing residents will be protected from noise from the Class 4 units. The report shall include an assessment of noise emissions from the proposed development and details of background and predicted noise levels at the boundary of nearby residential properties together with proposed noise attenuation measures. The report shall be appropriate for all times of day and night when the development will operate. The report should include any supporting calculations. If levels predicted in the report are unacceptable, it may be necessary to specify attenuation measures as conditions of consent. The approved scheme shall be fully implemented and completed prior to occupation of the site.

2.14.4 At this stage in the assessment, the development would have no significant detrimental impact on residential amenity. Further assessment will be required at the detailed application stage however at present the development is considered acceptable and in accordance with the Development Plan and National Guidance in this regard.

## 2.15 Flooding and Drainage

2.15.1 FIFEplan Policies 1 (Development Principles), 3 (Infrastructure and Services) and Policy 12 (Flooding and the Water Environment) are applicable. Policy 3 particularly notes that proposals must be served by infrastructure including surface water drainage.

2.15.2 Objection comments received, including comments from the Community Council, express concern that SEPA objected to the application based on the current proposed temporary sewage treatment system and that Scottish Water noted that there is no capacity at the time being for any further sewage drainage through their systems. The Community Council also outlined concerns that the application fails to take into consideration the impact of the SUDS on the local environment; that the proposals would result in adverse impacts to the beach; and that there are issues with water pressure in the area, which the proposals would exacerbate.

2.15.3 A Stage 1 Flood Risk Assessment, Flood Risk Assessment and Addendums and a Drainage Strategy have all been submitted with this application. SEPA and Fife Council Flooding, Shoreline and Harbours have been consulted on this proposal in relation to surface water, drainage and flood risk and have reviewed the documents submitted in this regard. Neither have any objections to the proposals.

2.15.4 The Loch Run Culvert carries overflow from the Kilconquhar Loch, and discharges at Elie Harbour and runs north east to south west, through the west of the site, with most of it being culverted. In terms of flooding, SEPA did initially object to this application, after requesting further information regarding the flows for the Loch Run culvert as they were concerned over the flood risk to the proposed development site from the overflow from the Loch Run. Following discussion with the applicant, it has been agreed that, due to the unique inflow of the Loch Run culvert that a

flow of 280l/s should be undertaken within the sensitivity analysis. An addendum, dated 29 April 2020, has been submitted in support of the application and SEPA have confirmed that this addresses all outstanding points raised by them in this regard and they are now satisfied that the data used is appropriate.

2.15.5 It is noted that calculations have been provided, which confirm the Loch Run culvert has capacity to accommodate the surface water drainage from the site. The applicant has agreed to a condition requiring the submission of a survey confirming the condition of the Loch Run culvert from the site outfall to its conclusion.

2.15.6 In terms of drainage, it is proposed that the site will be managed by a SUDS basin within the site, which will discharge to the Loch Run Culvert. Additionally, a condition is recommended requiring the submission of full calculations for the design of the drainage system, a completed SEPA SIA Tool Assessment to demonstrate that the SUDS provided has adequate treatment provisions, and details (plan and cross section) for the attenuation and treatment components. Flooding, Shoreline and Harbours have advised that a condition is placed on any approved Planning Permission in Principle, requiring the applicant to confirm the condition of the Loch Run Culvert from the site outfall to its conclusion, by survey. Should the survey confirm the culvert is not in good working order, then repairs will need to take place. In regard to the impact of the proposals on the water environment, it is noted that SEPA do not have any concerns in this regard, the water would adhere to the simple index approach' as required by CIRA C753 and would prevent any untreated run-off from entering the watercourse, sewers and from having a negative impact on the receiving water quality. All surface water discharge would have to comply with the terms of the Water Environment (Controlled Activities) Regulations 2011. Further details in this regard would be submitted with detailed applications in future.

2.15.7 SEPA therefore have no objection to the proposed development, provided that the following planning conditions are imposed:

- Finished floor levels for the western edge of the development are set to a minimum of 8.92mAOD
- No built development shall be located on top of the Loch Run culvert and a buffer shall be maintained along its length

2.15.8 In regard to sewage capacity, following discussions with Scottish Water, they have confirmed their intention for upgrading works to go ahead. However, they have advised that this is contingent on this development going ahead (with planning permission being a key pre-cursor to this). Due to Scottish Water's confirmation and in order to resolve this issue, the service is now sufficiently satisfied as to the prospect of the upgrades, therefore a condition is proposed. The condition would mean that Scottish Water confirmation of timescales for necessary improvements will be required to be set out as part of a detailed planning application and that, beyond this, no works would take place until the necessary upgrading takes place. In terms of water pressure, the applicant has confirmed that they have been in discussion with Scottish Water in this regard, and they have upgraded the water pressure in the village as a result of this project.

2.15.9 Subject to the aforementioned conditions, it is concluded that the proposals would comply with the relevant policies in regard to flooding and drainage.

## 2.16 Land Stability and Contamination

2.16.1 PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. FIFEplan Policy 10: Amenity states that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to contaminated and unstable land. The site does not lie within a Development High Risk Area therefore there is no requirement for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to be consulted.

2.16.2 A Desk Study Report submitted with the planning application provided a preliminary assessment of ground conditions and potential geotechnical and environmental constraints to development of the site. Fife Council Land and Air Quality Officers have reviewed the information submitted, and concurs that it would be prudent to test selected samples of soil from this site for a range of contaminants

2.16.3 Therefore, any planning permission in principle granted should be subject to conditions on the reporting of any unexpected contamination and requiring submission of site investigation, remediation and validation reports for the approval of Fife Council to ensure the site is developed in accordance with PAN 32. It is considered that - as part of first detailed application to come forward - the required information under applicable contaminated conditions at the front end of the process should be submitted for the overall site to prevent fragmentation of this matter in individual, plot focused, detailed applications.

2.16.4 On the basis of the above, submission of further site investigation reports and any subsequent remediation strategy and validation reports could be secured via conditions in order to demonstrate compliance with PAN 33 and Policy 10.

## 2.17 Natural Heritage

2.17.1 Under FIFEplan Policy 13: Natural Environment and Access proposals will only be supported where they protect or enhance natural heritage and access assets including woodlands, trees and hedgerows that have a landscape, amenity, or nature conservation value; biodiversity in the wider environment; protected and priority habitats and species; landscape character and views; green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, Where adverse impacts on existing assets are unavoidable, we will only support proposals where these impacts will be satisfactorily mitigated.

2.17.2 Objection comments express concern that the Ecology Report does not appear on the Council's website. Concerns regarding the impact on the wildlife in the area has been expressed and comments that there may be adverse environmental impacts from the application which cannot be mitigated. Comments express concern that the biodiversity on the Crown Estate's foreshore and seabed around Elie and Earlsferry would be damaged by the proposals, close to the shoreline. Mara Seaweed is certain that the ecosystem of the foreshore and seabed will undoubtedly be under increased pressure from the applicant's developments at multiple levels.

2.17.3 In regard to the ecology reports not being publicly available, this is because they contain sensitive information regarding protected species which is not publicly available information. The site is at present agricultural fields. The site boundaries are mainly post and wire fencing and stone walls and there is existing housing to the west. A Preliminary Ecological Appraisal Report has been submitted which describes the desk top information search and Extended Phase 1

habitat and protected species survey undertaken in 2017. Whilst this provides a suitable survey of habitat and protected species in the area, an update would be required with any future detailed application. This would be covered through an appropriate condition.

2.17.4 Evidence of protected species was recorded within the site as well as suitable habitat for nesting birds, foraging and commuting bats and reptiles on or bordering the site. No invasive non-native species were recorded within the survey area. The area is known to be important for corn bunting with land managed for them as part of the RSPB Corn Bunting Recovery Project. Any potential impact on corn bunting should be included in the future updating ecological assessments. The report makes recommendations to protect reptiles and nesting birds. It also recommends that re-survey is undertaken if works do not start before 25 April 2018. A separate confidential Badger Annex Report has been provided. As discussed above, the surveys will need to be updated for any future detailed application and this would be secured through a planning condition.

2.17.5 Suggestions for biodiversity enhancement have been provided in the Preliminary Ecological Appraisal but not confirmed and no details have been provided at this stage. Biodiversity enhancement should be considered as part of the design process with details and specifications provided with any future detailed applications. It is also noted that bat roost boxes or bird nest boxes proposed for buildings should be the integrated type. It will be important that an integrated approach to natural heritage and biodiversity, landscaping and SUDS design, as detailed in Making Fife's Places Supplementary Guidance is demonstrated within the detailed site plans when submitted. Biodiversity benefits and opportunities to create visually attractive features that integrate with landscaping and open space are achieved when surface water management was taken out of pipes and this should also be considered further, through future detailed applications. In order to fully integrate biodiversity enhancement into design, the use of plot rain gardens should be considered – the purpose of a rain garden is to collect water from hard surfaces such as rooftops, or driveways and infiltrate back into the soil with the plants and soil naturally removing pollutants from the run off. The use of wet and dry swales; green roofs; integrated bat roost boxes and integrated bird nesting boxes, and native wildflower grassland mix instead of amenity grassland mix should also be considered as biodiversity enhancement. These are outlined within Fife's Places Supplementary Guidance, which covers the integration of biodiversity enhancement into design and this is a matter that could be covered through a condition. To maximise biodiversity native species of native origin should be used for landscaping. Structure planting and trees including community woodland are indicated on the drawings, which is welcomed and should also be secured through a planning condition, should planning permission in principle be approved. An appropriate condition is proposed in this regard.

2.17.6 The Design and Access Statement at 4.8 Ecology states that standoff areas within the masterplan have been identified within a 15m radius of the badger set area identified and that further studies of protected species will be required when detailed applications are submitted, before construction works start on site. Fife Council Natural Heritage Officers have advised that this should state that a 30m buffer/radius from any active badger setts would be required. As stated above, an updated badger survey would be required when a further detailed application is submitted – this should be noted and will be secured through an appropriate planning condition.

2.17.7 It is considered that the planting proposed along the eastern boundary of the site appears to be dense for most of its extent however this should be graded to coastal grassland, at approximately 1/3 most dense in the north, 1/3 transition, 1/3 grassland. It also appears that the planting will be on top of a bund. This requires some further thought and will also require to take into account the presence of badgers. It is considered that a scrub/woodland edge species may

be more appropriate. These details can be covered in more detail through a detailed application, with appropriate conditions securing this.

2.17.8 The Fife Council Natural Heritage Officer reviewed the submitted ecology surveys and offered no objection subject to conditions to secure the prevention measures as noted in the ecology surveys. Further details of the biodiversity enhancement measures shall be incorporated within the proposed development should be considered as part of the detailed design process with details and specifications to be provided with any future applications for matters specified in conditions. SNH have been contacted regarding the required surveys and, alongside Fife Council's Natural Heritage Officer, they are satisfied that further survey work can be carried out at the detailed application stage.

## 2.18 Education

2.18.1 FIFEplan Policies 1 (Development Principles) and 4 (Planning Obligations) of the FIFEplan are applicable. In particular Policy 4 states Developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. Further guidance is also provided in the Council's proposed guidance (2017) which is a material consideration in this respect.

2.18.2 In line with the framework above, contributions may be required to mitigate the impact of a residential development where the proposal would cause capacity to be exceeded at the relevant schools. In this regard the Education Service have been consulted on this proposal.

2.18.3 Given the potential impact of this proposal on school infrastructure, Education officers have been consulted on this proposal. Education officers have confirmed that, the site is an effective site in the Housing Land Audit (HLA) for 55 homes. This planning application is for 55 units with the first house completion expected in 2023 and a completion rate of 15-20 houses per year. These values have been used to assess the impact on catchment schools. This application site is currently within the catchment areas for: Elie Primary School; Greyfriars Roman Catholic Primary School, Waid Academy; and St Andrew's Roman Catholic High School. Education have advised that there are currently no capacity risks at any of the schools within the catchment, therefore the development is not expected to create a capacity risk. Consequently, the payment of contributions towards providing schools would not be required in this instance.

2.18.4 In summary, the proposal would meet the requirements of Policy 1 and 4 and no contributions would be required in this instance.

## 2.19 Developer Contributions

2.19.1 FIFEplan Policy 4 states that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. The kinds of infrastructure to which this policy applies include transport, schools, affordable housing, greenspace, public art and employment land. The contributions will mitigate development impact by making a contribution to existing infrastructure, or providing additional capacity or improving existing infrastructure; or providing new infrastructure. Policy 4 sets out a list of the types of development which are exempt from the payment of contributions. The proposed development does not fall within any of the exempt categories of development and therefore, the applicant would be liable for a range of planning obligations in order to mitigate the impact of the development. In addition to affordable housing as noted above, contributions would also be required towards public art and greenspace infrastructure.



2.19.2 In addition to affordable housing, as noted above, contributions would also be required towards public art and greenspace infrastructure including the provision of biodiversity enhancements. The Planning Obligations Framework Supplementary Guidance advises that public art should be incorporated within development proposals, and for residential developments the value of this should equate to £300 per unit. Given that this is an application for planning permission in principle, the public art requirement can be conditioned with a public art strategy for the site to be submitted under future applications for matters specified in conditions.

2.19.3 As set out in the consultation response from Fife Council Transportation, there is a requirement to extend the existing 30mph speed limit on the A917, including a gateway feature; and to provide a 3m wide footway/cycleway along the northern edge of the site.

2.19.4 The open space requirement for residential developments over 51 units is 60 sqm per house as set out in Making Fife's Places Supplementary Guidance and the Planning Obligations Framework Supplementary Guidance. It would appear from indicative site plan submitted that the proposal would meet this requirement however, this is another item which would require to be conditioned with further details to be submitted under future applications for matters specified in conditions.

2.19.4 The Planning Obligations draft Supplementary Guidance (2017) states that where necessary, land will be zoned and delivered through development frameworks or masterplans for primary healthcare facilities including nursing homes and surgeries.

2.19.5 Some objection comments, including comments by the Community Council, note concerns regarding the potential impact this proposal could have on GP surgeries and other healthcare services locally. Whilst there is no reason to doubt the truth of these claims, this is not an issue that can be addressed by the planning system. The NHS operate a list system which allocates a certain number of registered patients per GP. If a GP has too many patients registered, then funding is available for a new GP as part of that practices business case to expand services where required to meet additional demand. The funding of healthcare is an issue for central government. GP practices are often run as individual businesses who make a business case to expand and establish the practices if they seek to do so. This remains a matter that is closely monitored and Council officers periodically liaise with those from NHS Fife during the Local Development Plan implementation or review process and will continue to consult NHS Fife in relation to large-scale or significant development proposals that could potentially impact on healthcare service provision. NHS Fife were consulted as part of a wider discussion with NHS Fife on development within Fife. NHS Fife were consulted specifically on this application and did not respond to a consultation request for their comments.

2.19.6 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.

2.19.7 Should Committee grant planning permission then the applicant would be liable for a range of planning obligations in order to mitigate the impact of the development as outlined above. If found to be acceptable in all other aspects, the development could come forward in accordance with Policy 4 and the Planning Obligations Framework Supplementary Guidance subject to a legal obligation and conditions to secure the necessary contributions.

## 2.20 Public Art

2.20.1 The Planning Obligations Framework draft Supplementary Guidance (2017) and Policy 4 of the Adopted FIFE plan sets out when public art is required and ties to the Making Fife's Places Supplementary Guidance (2018) which provides further details on how public art should be integrated into a site and when and where this should be provided.

2.20.2 This matter can be considered further at the detailed planning application stage if the application was approved and thereby at this stage it is considered that the development would not be in conflict with the Development Plan or SG in this regard.

## 2.21 Sustainability (Low Carbon)

2.21.1 SPP (2020) introduces a presumption in favour of development that contributes to sustainable development. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

2.21.2 SPP states that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery;

- and avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

2.21.3 Scottish Planning Policy (paragraph 154) notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets. To achieve this, planning should seek to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:

- Energy efficiency;
- Heat recovery;
- Efficient energy supply and storage;
- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

2.21.4 Policy 11 (Low Carbon) of the Adopted Local Plan states that planning permission will only be granted for new development where it has been demonstrated that:

1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
  2. Construction materials come from local or sustainable sources;
  3. Water conservation measures are in place;
  4. sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and
  5. Facilities are provided for the separate collection of dry recyclable waste and food waste.
- All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars.

2.21.5 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that applicants are expected to submit a completed sustainability development checklist (Appendix B of the guidance) and an energy statement of intention.

2.21.6 An objection comment notes concern regarding the impact that the development would have on seaweed growth and the increase effect on greenhouse gas emissions.

2.21.7 The applicant has submitted an energy statement in line with the Low Carbon Fife Supplementary Guidance. This recognises that the application is for Planning Permission in Principle only but makes commitments towards the use of low carbon technologies in accordance with Building Standards with the future detailed applications.

2.16.8 The site is in a relatively sustainable in location with potentially good links to existing and future amenities. The site also shows good permeability and connectivity for pedestrian and cycling methods to existing paths. The proposal would therefore accord with Policy 11 in this regard.

## CONSULTATIONS

Scottish Water	No objections, subject to conditions.
Scottish Environment Protection Agency	No objections, subject to conditions.
Historic Environment Scotland	No comments.
Community Council	Objection: there is insufficient capacity within the sewer network; the application fails to take into consideration the impact of the SUDS on the local environment; adverse impact on the SUDS on the beach; issues with water pressure; impact on healthcare provision; ecology surveys required; lack of EIA; increased traffic flow and parking demands; no enhancement of the existing park; no support for a new football pitch to the east; proposals exceed the 55 houses set out in FIFEplan allocation due to the Class 8 retirement homes; social housing proposed will be for new homes and not mid-market rent or social rent which could be sold later on; lack of consultation with the community; the application should have been submitted as one and not two separate applications.
Nature.Scot	No objections.
The Coal Authority	No objections.
Parks Development And Countryside - Rights Of Way/Access	No comments.
Archaeology Team	No objections, subject to a condition requiring the implementation of a programme of archaeological work.
Built Heritage	Objection.
Development Plan Team (North East Fife Area)	No objections.
Business And Employability - EPES	No objections, subject to conditions.
Transportation And Environmental Services - Operations Team	No response received.
Urban Design - EPES	No objections, subject to conditions.
Land And Air Quality - EPES	No objections, subject to conditions.
Education (Directorate)	No objections.
Housing And Neighbourhood Services	No objections, subject to conditions and legal agreement.
Structural Services - Flooding, Shoreline And Harbours	No objections, subject to conditions.

Environmental Health (Public Protection) - EPES	No objections, subject to conditions.
Transportation	No objections, subject to conditions.
Parks Development And Countryside	No objections.
Scottish Environment Protection Agency	No objections, subject to conditions.

## REPRESENTATIONS

138 representations have been received for this application, including 128 objections and 6 letters of support. The comments are set out below:

Objections:

- Concern regarding the scale of the development
- Concern that houses will be bought by second homeowners

Addressed in paragraph 2.4.5 – 2.4.6 of the main report of handling.

- Concern regarding number of affordable units

Addressed in paragraph 2.7.3 - 2.7.7 of the main report of handling.

- The proposals result in an over-provision of class 4 workshops.

Addressed in paragraph 2.5.2 – 2.5.5 of the main report of handling.

- Concerns regarding the provision of a care home or retirement homes.

Addressed in paragraph 2.6.2 - 2.6.3 of the main report of handling.

- Concern regarding Class 8 use on the site.

Addressed in paragraph 2.6.4 - 2.6.6 of the main report of handling.

- Concern regarding social housing being properly integrated.

Addressed in paragraph 2.7.3 - 2.7.7 of the main report of handling.

Concern regarding impact on tourism promoting activities from the development.

- The application cannot be defined as within the settlement because the site is on agricultural land outside the settlement of Elie.

Addressed in paragraph 2.3.2 of the main report of handling

- The community was not appropriately consulted

Addressed in paragraph 2.3.1 of the main report of handling

- Concern that the scale, nature and type of the proposed development is not within keeping with the natural or current built environment or surroundings.

Addressed in paragraph 2.10.3 - 2.10.5 of the main report of handling

- Adverse impact on the setting of listed buildings and would harm or damage the character and special appearance of the conservation area and its setting.

Addressed in paragraph 2.11.5 - 2.11.6 of the main report of handling

- Road safety concerns, including additional traffic, issues with junctions, lack of connections, cycle ways need improved, parking capacity

Addressed in paragraph 2.12.4 - 2.12.14 of the main report of handling

- Concern regarding SEPAs initial objection and lack of capacity within the sewer system.

Addressed in paragraph 2.15.2 - 2.15.8 of the main report of handling

- Concern regarding the ecology report not being available, and concerns regarding the impact on wildlife and the environment.

Addressed in paragraph 2.17.2 - 2.17.8 of the main report of handling.

- Concerns regarding the potential impact this proposal could have on GP surgeries and other healthcare services.

Addressed in paragraph 2.19.5 - 2.19.6 of the main report of handling.

#### Support Comments:

- support the phased construction of private homes tied to the delivery of affordable properties including Mid Market Rent (MMR). The Fife Housing Partnership highlights the East Neuk is a priority area for MMR.

Addressed in paragraph 2.7.3 - 2.7.7 of the main report.

- Support a new Care Home. This may bring employment and support elderly residents in need of care who wish to remain in the village.

Addressed in paragraph 2.6.2 - 2.6.3 of the main report of handling.

- Support the applicant's responsibility to enhance and maintain existing protected greenspace.
- Support the use of footpaths/cycle ways as links between old and new housing are to promote travel other than by car.

#### Non material concerns:

- Number of building sites in the area will increase and have a detrimental impact on residents and the area.

The impact of this particular development in terms of construction noise can be addressed through Environmental Health legislation. A condition is also attached to this consent, requiring the submission of a Scheme of Works, which would set out mitigation measures regarding impact on the surrounding area.

- lack of an impact study on the seaweed industry or on seaweed tourism.

The planning assessment does not consider specific companies or industries, but considers the proposals and impact on the surrounding area as a whole, in terms of planning issues.

## **CONCLUSIONS**

The proposed development complies with the relevant policies within Scottish Planning Policy (SPP), the Adopted FIFEplan (2017) and Approved TAYplan (2017). The application proposes a residential development which complies with the requirements of allocation EAE 001 of the Adopted FIFEplan (2017). The proposed number of residential units is in line with the number that the allocation estimates for the site and the proposed care and class 4 uses tie in with the allocation requirements. The design, scale and layout of the development is acceptable for the location having had regard for the character of the area given the sensitive treatment of the edges of the development which would become the new settlement boundary. The proposals do not fully meet the requirements of EAE 001 in terms of the upgrading of the existing open space outwith the site. However, in this instance, it is considered that there is sufficient justification for this requirement not being fulfilled fully. The proposal would also be sufficiently in keeping with the range of character of buildings neighbouring the site. The application proposes a development which is sustainable in terms of transport links, is permeable and well-connected and one which creates a sense of place in terms of character, detailing materials and landscaping. The proposal would not cause any significant harm in terms of amenity, flooding, transportation, landscape and also would not adversely affect the natural heritage. Overall, the development is acceptable in all regards and in compliance with the Development Plan and National Policy.

## **RECOMMENDATION**

The conclusion of a legal agreement relating to the provision of: -

- 1) A combined agreement covering 18/03579/PPP and 18/03578/PPP:

In the event that The Grange is developed, but Wadeslea is not, in order to ensure that the affordable housing as required for The Grange still goes ahead, the relevant sized area of portion of land at Wadeslea corresponding to the Grange's share of affordable provision shall be given over to affordable housing at a value determined by affordable housing. No more than 50% of the residential units shall be constructed at Wadeslea, before the agreed affordable housing units are constructed.

- 2) The Class 8 retirement homes proposed shall be age restricted to over 55 years and, in accordance with The Town and Country Planning (Use Classes) (Scotland) Order 1997, shall include an element of care to people in need of care other than a use within Class 9 (houses).
- 3) A contribution of £1,000 per residential unit towards open space/play.

And the following conditions and reasons:

1. A further application(s) for the following matters shall be submitted for approval of the Planning Authority:

- (a) the construction of all residential development and associated infrastructure for each phase or combined phases of development (including affordable housing at 30% of the total number of units for the site as defined by Fife Council Supplementary Guidance on Affordable Housing and associated infrastructure);
- (b) the construction of all Class 4 business units and associated infrastructure;
- (c) the construction of the Care Home (Class 8) and associated infrastructure;
- (d) the construction of the Retirement Housing (Class 8) and associated infrastructure;
- (e) the construction of the additional parking for the existing doctor's surgery;
- (f) community space/facilities and associated infrastructure;
- (g) open space and landscaping;
- (h) the development of the road, cycleway and footpath network within the site including the public realm strategy for each phase or combined phases of development;
- (i) engineering operations associated with infill, regrading or remediation;
- (j) the construction of SUDS facilities and drainage including all associated engineering works;
- (k) a Design Code for the entire development site;
- (l) the details of the maintenance arrangements for all areas of landscaping open space, including equipped and non-equipped play areas for each phase or combined phases of development where relevant;

No work shall be started on the development until the written permission of the Planning Authority has been granted for the proposals. The details thereby permitted shall be implemented as part of the development.

Reason: Considering this application is made for Planning Permission in Principle only; to comply with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. Every application for approval of matters specified by Condition 1 shall be submitted for the written approval of the Planning Authority with the following information, where relevant: -

- (a) a location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers, and the position of all buildings;
- (b) a detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape and public realm treatment (including materials);
- (c) detailed plans, sections and elevations of all buildings proposed to be erected on the site, together with details of the proposed method of drainage and the colour and type of materials to be used externally on walls and roofs;
- (d) the contractors' site facilities including storage, parking provision and areas for the storage of top soil and sub soil;
- (e) a Design and Access Statement including a site appraisal, a landscape impact appraisal, a selection of street perspectives and a 'B-plan' in accordance with Fife Council's Making Fife's Places Supplementary Guidance (2017) or any document which amends this;
- (f) a statement on the compliance of the development with the terms of the Fife Council's Sustainability Checklist 2010 (or as amended);



- (g) full details of the method for the delivery of any affordable housing incorporated within that application;
- (h) a statement explaining in full how the details of the application comply with the Design Code, the affordable housing requirement, the Flood/SUDS facilities, and the road and footway/cycleway network as approved under the terms of condition 1;
- (i) Public Art Strategy for the site in accordance with Making Fife's Places Supplementary Guidance, or as superseded;
- (j) Development Framework Plan showing the whole site, including a phasing plan.
- (k) Noise Impact Assessment;
- (l) a Phase II Intrusive Site Investigation Report and any Remediation Strategy arising from the Phase II Report and the details of all mitigation measures necessary to address contaminated land issues for each phase or combined phases of development;
- (m) Details of tree protection measures for any trees bordering the site, where appropriate;
- (n) A Stage 2 Road Safety Audit for each phase of development;
- (o) a Traffic Management Plan;
- (p) Construction Method Statement and Management Plan, including an Environmental Protection Plan, Scheme of Works relating to construction activities on site, details of the proposed construction traffic routes and wheel cleaning facilities;
- (q) Landscape and Open Space Strategy for the whole site including details of the structural planting along the eastern boundary and enhanced landscaped edge to the west;
- (r) An updated Preliminary Ecological Appraisal Report and Extended Phase 1 habitat and protected species survey;
- (s) Details of biodiversity enhancement;
- (t) A Landscape and Visual Appraisal including a viewpoint analysis of the key views across the site as identified in the Development Framework plan illustrating the site before and after development; and detailing the siting, orientation, scale and massing of all buildings to demonstrate compliance with the design principles of the Development Framework Plan.
- (u) a programme of archaeological work in accordance with a detailed written scheme of investigation
- (v) Air Quality Impact Assessment

Reason: To specify the supporting information required for each application for approval of matters specified by condition.

3. NO WORKS SHALL COMMENCE ON SITE until confirmation that the requisite upgrading of the sewer system is going ahead and the timetable for this is submitted for the written approval of the planning authority. This shall sit alongside a requirement from Scottish Water for a drainage impact assessment to fully understand the mitigation required.

Reason: To ensure that the required infrastructure is in place, prior to works commencing on site.

4. An application for any of the matters referred to in Conditions 1, 2 and 5 shall be made before the expiration of 6 years from the date of the grant of this planning permission in principle.

Reason: It is considered that the timescale for the submission of the ARC applications can be extended beyond that set out in legislation in this instance, due to the timescales involved in the required sewer upgrades.

5. BEFORE THE FIRST APPLICATION IS SUBMITTED FOR ANY BUILDINGS IN ANY PHASE UNDER THE TERMS OF CONDITION 1 AND 2 above the following matters shall have been submitted to and approved under the terms of conditions 1 and 2:

- the Design Code which must cover the whole PPP site area; and
- the scheme of intrusive site investigations for the land contamination which must cover the whole PPP site area.

Thereafter the further applications under conditions 1 and 2 shall reflect the above approved details where directly relevant to that further application.

Reason: To ensure that a coordinated plan for the design and delivery of the development is in place to inform the assessment of all subsequent applications.

6. The Design Code required by Condition 1 and 5 shall incorporate the design principles set out in the Design and Access Statement approved through the PPP and it shall include a statement and supporting details on the impact of the proposals on the Conservation Area.

Reason: To ensure the quality of design is consistent with that approved through the PPP.

7. The detailed plans required by Condition 2 shall clearly illustrate, in cross-section form, the existing ground level, the event of any underbuilding, the finalised floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a fixed datum point on or nearby the site such as a road or pavement which shall be identified on the submitted plans.

Reason: In the interests of residential and visual amenity; a) to ensure that there is no significant detrimental impact on adjacent properties, and b) to avoid excessive underbuilding.

8. The planting along the eastern and southern boundary of the site shall be graded to coastal grassland, at approximately 1/3 most dense in the north, 1/3 transition, 1/3 grassland. The planting at the eastern edge shall be in place prior to any works commencing on site, and appropriate measures shall be in place to protect it during construction, as required by Condition 2 (g).

Reason: In the interest of biodiversity and visual amenity – to ensure the planting is appropriate for the area.

9. The acoustic report required by Condition 2 shall be prepared by a suitably competent person and shall include a written scheme of how nearby proposed and existing residents will be protected from noise from the Class 4 units. The report shall include an assessment of noise emissions from the proposed development and details of background and predicted noise levels at the boundary of nearby residential properties together with proposed noise attenuation measures. The report shall be appropriate for all times of day and night when the development will operate. The report should include any supporting calculations. Thereafter the development shall be constructed in accordance with the agreed details and any agreed mitigation measures and the measures employed retained for the lifetime of the development.

Reason: In the interest of residential amenity; to ensure the noise requirements are incorporated into the design of the development.

10. The total number of residential units permitted for this site is limited to 55, unless otherwise subsequently varied in agreement with the planning authority.

Reason: To specify the total number of homes approved for the site.

11. The Scheme of Works required under the terms of Condition 2(p) shall include measures to mitigate the effects on sensitive premises/areas etc. of dust, noise, vibration from construction activities. For the avoidance of doubt, the use of 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 referred to and complied with, where applicable. Once approved the construction of the development on the site shall be undertaken entirely in accordance with the provision of the approved Scheme. Any amendment to such a Scheme will require the prior written approval of the Planning Authority following appropriate consultation.

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

12. The scheme of intrusive site investigations required by Condition 2 and 5 shall include the submission of a Preliminary Risk Assessment (Phase 1 Desk Study). Where further investigation is recommended in the Phase 1 Desk Study, a Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the planning authority. Where site remediation is recommended in the said Phase II Report, a Remediation Strategy shall be submitted to and approved in writing by the planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Remediation of the site shall be undertaken in accordance with the approved Remediation Strategy. Where remediation cannot be undertaken in accordance with the said Strategy, or where previously unidentified contamination is encountered on site, all works shall cease (except site investigation works) and the planning authority notified within two working days. Unless otherwise agreed in writing with the planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and agreed in writing by the planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy. Following completion of the measures in the Remediation Strategy, a Verification Report shall be submitted for the written approval of the planning authority. Unless otherwise agreed in writing, no part of the development shall be carried out until the planning authority is satisfied the remediation of the site has been completed in accordance with the agreed Remediation Strategy. For the avoidance of doubt, all contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Development of Contaminated Land documents.

Reason: To avoid unacceptable risks to human health and the environment, to ensure the land is remediated and made suitable for its proposed use.

13. In the event that contamination not previously identified prior to the grant of planning permission or approvals of matters specified in conditions is encountered during the development, all works on site (except site investigation works) shall cease immediately and the planning authority notified within two working days. Unless otherwise agreed in writing with the planning authority,

no works shall recommence until the requirements set out in Condition 12 have been followed with respect to the new source of contamination encountered.

Reason: In the interests of residential amenity; to ensure there is no risk from any site contamination to the proposed properties; to ensure no threat to public health.

14. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines within the Making Fife's Places Supplementary Guidance.

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

15. A further application for Approval of Matters Specified by condition 1 (h) shall incorporate the following design requirements:

- a 3m wide shared use footway / cycleway along the northern edge of the site;
- visibility splays of 2.4m x 45m to the left and to the right at the development junction with the A917, and thereafter maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level;
- visibility splays of 2.4m x 25m to the left and right at the development junction with Wadeslea, and thereafter maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level.
- visibility splays of 2m x 25m to the left and to the right at the junction of any private vehicular accesses onto public roads and thereafter maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level
- the minimum internal garage dimensions to accommodate a single off-street parking space shall be 3m x 7m
- off street parking shall be provided for each property in accordance with the approved detailed site plan(s) and current Fife Council Transportation Development Guidelines;
- Garages adjacent to dwelling houses located 0 - 1m from the rear of the road boundary (back of footway or verge) or at least six metres from the road boundary;
- access driveways shall be constructed to the satisfaction of Fife Council as Planning Authority at a gradient not exceeding 1 in 10 (10%). The driveway widths shall not exceed 5 metres.

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

16. The car parking for the doctor's surgery, required through Condition 1(e) shall be available for use prior to the occupation of the twentieth residential unit.

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

17. The 3m wide shared use footway / cycleway along the northern edge of the site shall be implemented prior to the occupation of the twentieth residential unit.

Reason: In the interest of road safety – to ensure the provision of adequate pedestrian and cyclist facilities.

18. Prior to the commencement of works on site details of Electric Vehicle charging points in communal / commercial parking areas shall be submitted for the written approval of the Fife Council as planning authority. The approved EV charging points shall thereafter be installed during the site construction.

Reason: to ensure the provision of electric charging points.

19. Prior to the occupation of any of the residential properties street lighting and footways (where appropriate) serving the property shall be formed and operational to the satisfaction of this planning authority.

Reason: In the interest of road safety – to ensure the provision of adequate pedestrian facilities.

20. The Traffic Management Plan required through Condition 2(o) shall cover the construction of the development. The TM plan shall contain details on routing and timing of deliveries to site, site operatives parking area, traffic management required to allow off site operations such as public utility installation, etc. The approved traffic management plan shall thereafter be implemented for the duration of the construction works.

Reason: In the interest of Road Safety – To ensure minimum disruption to residents and road users in the vicinity of the site.

21. Any agreed mitigation measures resulting from the Stage 2 Road Safety Audit required by Condition 2(n) shall be fully implemented or incorporated into the development as agreed with Fife Council as planning authority.

Reason: in the interest of road safety and to ensure the provision of adequate design.

22. Prior to the occupation of the first residential unit, provision shall be made for off street visitors' parking in accordance with the current Fife Council Parking Standards.

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

23. Prior to the occupation of each residential unit, off street parking shall be provided for that dwellinghouse in accordance with the current Fife Council Transportation Development Guidelines. The off street parking spaces shall be retained throughout the lifetime of the development for the purposes of off street parking.

Reason: In the interests of road safety. To ensure the provision of an adequate off street parking facilities.

24. Prior to the occupation of each residential unit, visibility splays of 2m x 25m shall be provided to the left and to the right at the junction of any private vehicular accesses onto public roads and thereafter maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level. For the avoidance of doubt, all roadside boundary markers within the site, ie, walls, fences, planting, shrubs etc. being maintained in perpetuity outwith the visibility splay line or at a height not exceeding 600mm above the adjacent carriageway level.

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

25. Prior to the junction coming into use visibility splays of 2.4m x 25m shall be provided to the left and right at the development junction with Wadeslea, and thereafter maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level. For the avoidance of doubt, all roadside boundary markers within the site, ie, walls, fences, planting, shrubs etc. being maintained in perpetuity outwith the visibility splay line or at a height not exceeding 600mm above the adjacent carriageway level.

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

26. Prior to the commencement of construction of any buildings, visibility splays of 2.4m x 45m shall be provided to the left and to the right at the development junction with the A917, and thereafter maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level. For the avoidance of doubt, all roadside boundary markers within the site, ie, walls, fences, planting, shrubs etc. being maintained in perpetuity outwith the visibility splay line or at a height not exceeding 600mm above the adjacent carriageway level.

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

27. A further application for Approval of Matters Specified by condition 1(d) shall include the confirmation of the condition of the Loch Run culvert from the site outfall to its conclusion, by survey. Should the condition not be in good working order, repairs to the Loch Run shall be undertaken.

Reason: In the interests of drainage, to ensure whether the calculated hydraulic capacity of the Loch Run can be confirmed by a survey.

28. A further application for Approval of Matters Specified by condition 1(d) shall include full calculations of the drainage system (including the sizing of the attenuation provisions), a completed SEPA SIA Tool Assessment to demonstrate that the SUDS provided has adequate treatment provisions and details (plan and cross section) for the attenuation and treatment components.

Reason: In the interests of drainage, to ensure adequate protection of the water environment from surface water run-off.

29. Finished floor levels for the western edge of the development shall be set to a minimum of 8.92mAOD and no built development shall be located on top of the Loch Run culvert, with a buffer maintained along its length.

Reason: In the interest of flood risk.

30. All planting carried out on site shall be maintained by the developer to the satisfaction of this planning authority 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.

31. The tree protection details required by Condition 2 (m) shall include details and specifications of the protective measures necessary to safeguard trees on the site during development operations. This planning authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the 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 order to ensure no damage is caused to the existing trees during development operations.

32. BEFORE ANY WORKS START ON SITE, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation as required by Condition 2 (u)

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of archaeological importance.

33. Notwithstanding Class 9 of the Schedule to the Town and Country Planning (Use Classes) Order 1997 the residential units shall be occupied as flatted dwellings or dwellinghouses occupied by a single person or by people living together as a family. For the avoidance of doubt none of the residential units hereby approved shall be used for Housing in Multiple Occupation.

Reason: In the interests of retaining control over the use of the properties.

34. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development.

Reason: In the interests of visual amenity.

35. The updated surveys required by Condition 2(r) shall include, but not be limited to, the impact of the development on Corn Bunting and updated badger surveys which include the requirement for a 30m buffer from any active badger setts.

Reason: In the interest of protected species; to ensure the ecology surveys are up to date.

36. The development shall comply with the recommendations set out within the Preliminary Ecological Appraisal, by Brindley Associates, May 2017 or any updated version.

Reason: In the interest of ecological protection and enhancement.

37. Vegetation clearance shall not take place at any time between the beginning of March and the end of August (inclusive) in any calendar year unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of protecting nesting birds within the site.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

Scottish Planning Policy (2020)  
Designing Streets (2010)  
Creating Places (2013)  
Circular 3/2012 planning obligations and good neighbour agreements (2012)  
PAN 65 Planning and Open Space (2008)  
PAN 33 Development of Contaminated Land (2000)  
PAN 1/2011 Planning and Noise (2011)  
PAN 68 Design Statements  
PAN 77 Designing Safer Places  
PAN 78 Inclusive Design (2006)  
Landscape Institute and Institute for Environmental Management and Assessment document  
Guidelines for Landscape and Visual Impact Assessment (2nd Edition, 2009)  
Development Management Procedure (Scotland) Regulations (2015)  
Air Quality and Land Use Planning (2004)  
PAN 51 (Planning and Environmental Protection)  
Land-Use Planning and Development Control: Planning for Air Quality (2015)

### Development Plan:

Approved TAYplan Strategic Development Plan 2016-2036 (2017)  
Adopted FIFEplan (Fife Local Development Plan) (2017)  
Making Fife's Places Supplementary Guidance (2018)  
Low Carbon Fife Supplementary Guidance (2019)

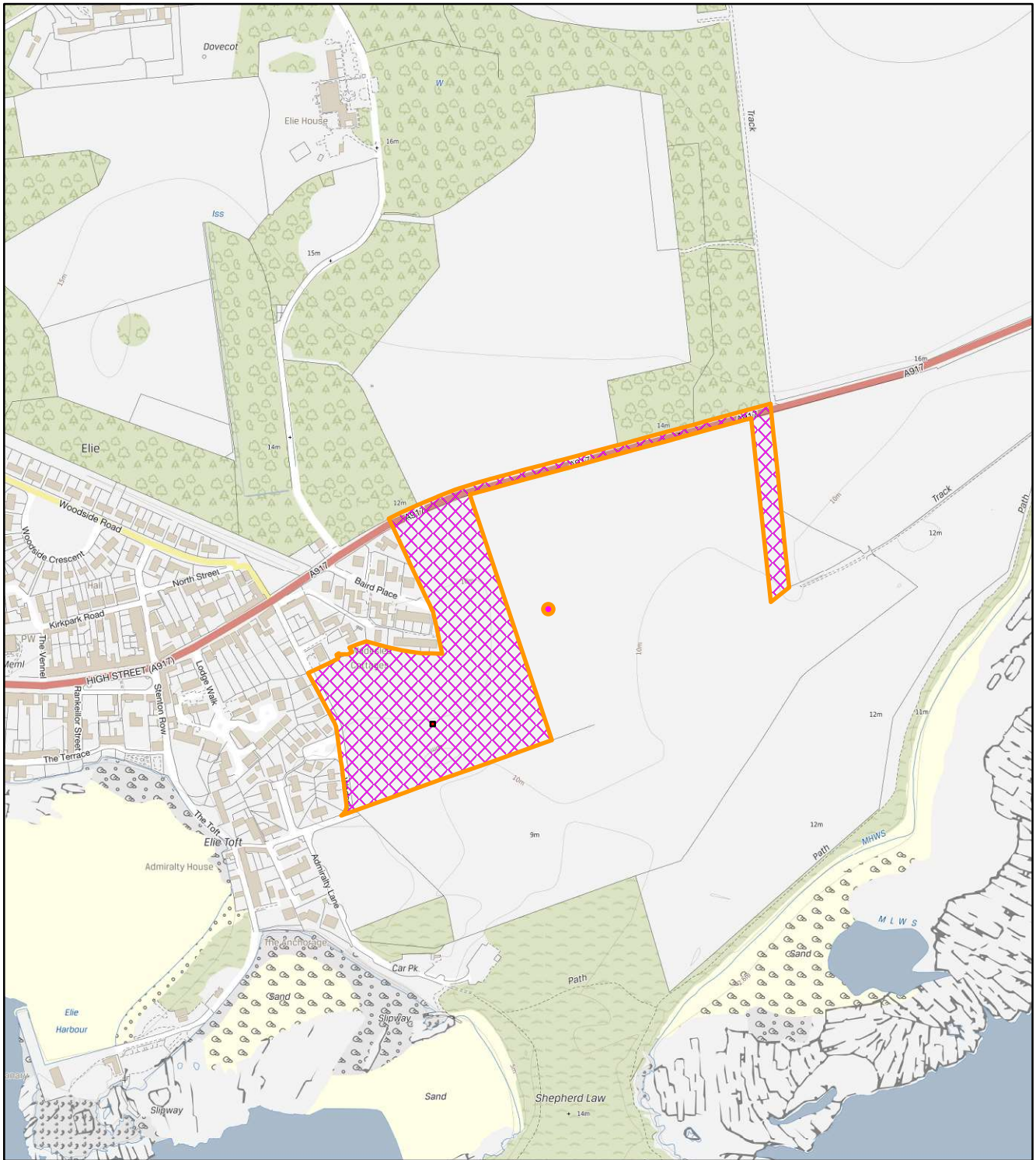
Report prepared by Natasha Cockburn, Chartered Planner  
Report agreed by Alastair Hamilton, Service Manager (Committee Lead) 29/01/21

Date Printed 01/02/2021



# 18/03579/PPP

## Land To East Of Wadeslea Elie



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### Legend

 Application Boundary

0 35 70 140 210  
m



**Fife**  
COUNCIL  
Economy, Planning & Employability Services

**ITEM NO: 8**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 20/01098/FULL**

**SITE ADDRESS: FIFE COUNCIL ENVIRONMENTAL SERVICES LANDFILL SITE  
LOWER MELVILLE WOOD**

**PROPOSAL : CONSTRUCTION AND OPERATION OF A FACILITY FOR THE  
STORAGE, PROCESSING AND RECYCLING OF NON-  
HAZARDOUS INCINERATOR BOTTOM ASH (IBA)**

**APPLICANT: MR MICHAEL LEE ON BEHALF OF FIFE RESOURCE  
SOLUTIONS  
LOWER MELVILLE WOOD LANDFILL SITE LANDFILL SITE  
LADYBANK**

**WARD NO: W5R16  
Howe Of Fife And Tay Coast**

**CASE OFFICER: Edward Bean**

**DATE REGISTERED: 03/08/2020**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The application is classed as a Major Development under the Scottish Government's Hierarchy of Developments.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

## ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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.

### 1.0 BACKGROUND

#### 1.1 Site Description

1.1.1 Fife Council's Lower Melville Wood Landfill and Waste Management site is located approximately 1km north of Ladybank on the west side of the A92 Glenrothes to Dundee road. Lower Melville Wood Landfill Site is allocated as a site for an extension of the Landfill and Recycling Centre (site reference LWD027). The site is operated by Fife Resource Solutions LLP, which is an arm's length commercial waste and recycling company operated by Fife Council. The application site is located within the countryside but is not located within an Area of Great Landscape Value (AGLV) nor does it have any defined ecological status.

1.1.2 The site is irregular in shape and covers approximately 2.3 ha in area. It comprises an open area to be used for the processing of Incinerator Bottom Ash (IBA) as well as an internal access track which connects to an existing haul track. This internal haul track is then accessed via the Q62 from the main road. With the exception of the access track, the application site is located immediately adjacent to the south-western boundary of the existing landfill and is bounded on the north by Collessie Quarry, on the east and south by the existing Lower Melville Wood landfill site, and to the west by the Collessie Quarry access road with intervening hedgerow and scattered trees. The application site largely comprises scrub grassland.

#### 1.2 PLANNING HISTORY

- 02/03161/EFULL Installation of replacement processing plant for Collessie Quarry was permitted with conditions on 03/07/03.
- 05/01501/ENID Installation of landfill gas electricity generator and compound, within existing landfill site was permitted on 06/09/05.
- 09/01418/EFULL Erect leachate treatment plant on existing landfill site was permitted with conditions on 20/01/10.
- 09/01419/EFULL Construct pipeline for transfer of treated leachate was permitted on 10/07/09.
- 09/02708/FULL Siting of two storey modular building to provide staff welfare accommodation was permitted with conditions on 25/02/10.
- 11/02120/FULL Erection of a material recovery facility building was permitted with conditions on 06/09/11.
- 13/00515/FULL Erection of wind turbine (85m to blade tip) and associated infrastructure was permitted in January 2014.

- 19/03056/FULL Erection of waste transfer shed was permitted with conditions in February 2020.

### 1.3 PROPOSAL

1.3.1 Planning permission is sought by Fife Resource Solutions for the construction and operation of a storage and processing facility for approximately 45,000 tonnes of Incinerator Bottom Ash (IBA) per annum, as well as associated infrastructure. Members should note that IBA is the heterogenous material that is left over after non-hazardous waste (such as municipal, commercial and industrial) has been combusted in an Energy from Waste (EfW) plant. Depending on the composition of the waste, IBA can contain a number of materials including glass, ceramics, brick, concrete and metals.

1.3.2 The proposed development will facilitate the processing of the IBA to remove large particles and metals for recycling elsewhere and to produce secondary aggregates, known as IBA aggregate (IBAA). The IBAA is then used in the construction industry as a substitute for primary natural aggregates.

1.3.3 The proposed processing operation consists of;

#### 1. Reception of the IBA

The IBA would be transported to site in covered articulated lorries with a capacity of approximately 27 tonnes. It is anticipated that there would be an average of 6-7 deliveries per day. Deliveries would access the application site from the existing site access point on the Q62 and then be weighed on the existing weighbridge serving the landfill site. Vehicles would then route along the existing haul road around the south-western edge of the landfill before joining the new internal access track. The IBA would then be transported to the external IBA storage area where it would be tipped. The IBA would be tested to confirm the European Waste Catalogue (EWC) code as per the Environmental Services Association (ESA) protocol adopted by SEPA and managed through the site's PPC permit. Having deposited the IBA, the vehicles would either leave the site empty or reload with IBAA for export off site.

#### 2. Stockpiling of the IBA

The IBA would be moved within the IBA storage area to form a stockpile with a maximum height of 11m, a process which is anticipated to take no longer than two hours each day. The IBA would be stored in situ for at least 3-6 months which allows it to mature, a process which increases the efficiency of the subsequent IBA processing.

#### 3. Processing of the IBA

Processing would take place on a campaign basis with one or two campaigns per year. Each processing campaign would run for approximately six to nine weeks depending on the volume of IBA to be processed. For the remainder of the year the site would be used for the reception and storage of the IBA and the export of IBAA. Mobile processing plant would be brought onto site and installed at the start of each processing period and would be removed immediately upon completion of the processing operations. Both the installation of the processing plant and its subsequent removal are anticipated to take approximately one week each. After processing, the IBAA would be stored within dedicated areas on the pad to a maximum height of 11m. The formation of stockpiles would take place in the same manner as for the IBA. Once ready for

dispatch to an end user, the IBAA would be loaded into lorries using a wheeled loading shovel, which would take place within the IBAA storage area. Whilst the total number of vehicles exporting IBAA would be similar to the number delivering unprocessed IBA, the number would vary from day to day given the intermittent nature of construction projects. Leftover material (metals/ unburned material) would also be stored in contained on site and removed at the end of each campaign.

1.3.4 The proposed operating hours would be Monday to Saturday 07:00 to 19:00. With the exception of emergencies, there would be no operations undertaken on Sundays or on bank holidays.

1.3.5 To facilitate the operation, the proposed physical development comprises;

1. An external storage area for the storage of unprocessed IBA. This storage area would extend to approximately 3,540m<sup>2</sup>. The proposed storage and processing areas would be created, following the stripping of the grass scrub, using layers of different grades of aggregate and a 1.75mm High Density Polyethylene (HDPE) liner. The aggregate layers would be compacted and used to surface the whole of the area used for stockpiling and processing of materials.

2. A perimeter bund at a height of up to 2m around the IBA storage area, to be constructed from fine aggregate (< 4mm). This would be covered by a 1.75mm HDPE liner and top-soiled and seeded on its outer edge. It is noted from the Council's drone footage that formation of the perimeter bund has already been commenced.

3. An external storage area of approximately 4,590m<sup>2</sup> for the storage of processed IBAA. This would comprise five separate dedicated storage areas for the storage of different grades of IBAA. The different gradings would be stored directly adjacent to each other and the sizes of the storage areas would vary from approximately 500m<sup>2</sup> to 1400m<sup>2</sup> in size depending on the ratios in which the different gradings are produced.

4. Open containers for the storage of recovered metals (ferrous and non-ferrous).

5. Approximately 250m of new internal access track. This would connect the existing on-site haul road into the site to the proposed storage and processing areas.

6. Landscape mitigation planting along the site perimeter comprising a mixture of tree and shrub structure planting

## 1.4 PROCEDURAL MATTERS

1.4.1 The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 provides at Paragraph 5 of the Schedule that waste management facilities with an annual capacity of 25,000 tonnes or greater are 'Major' developments. Regulation 2.(1)(b) provides that "any change to or extension of development of a class described in paragraphs 2 to 9 of Column 1 of that table where such a change or extension in itself meets or exceeds the appropriate threshold or criterion for that class of development" also constitutes a 'Major' development. The proposed development is a change to an existing waste management facility and therefore falls to be considered under Regulation 2.(1)(b). The proposed extension would have an annual capacity exceeding 25,000 at some 45,000 tonnes and therefore constitutes a 'Major' development.

1.4.2 The applicant has carried out the required pre-application consultation through holding public information events. 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. This included a public consultation event held at Giffordtown Village Hall, on the 27th November 2019 from 1pm - 7pm. The public event was advertised in the St Andrews Citizen & Fife Herald on 15th November 2019.

1.4.3 The application falls under (2) (a) of Schedule 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, as use of land for the disposal of refuse or waste materials or for the storage or recovery of reusable metal. As such, the application was advertised in the local press on 10th September 2020 as a Schedule 3 (formerly Bad Neighbour) Development.

1.4.4 The current landfill facility is operated under the Scottish Environment Protection Agency (SEPA) `Pollution Prevention Control (PPC), Permit Number PPC/E/0020085 which would require to be varied for the storage and processing of IBA. Paragraph 188 of Scottish Planning Policy (SPP) states that in determining planning applications for new waste installations, planning authorities should determine whether proposed development would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

1.4.5 The proposed development constitutes a Schedule 2 development as provided for by the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations) and as such required to be screened to determine whether or not an EIA was required. A request (REF 19/03391/SCR) was made to Fife Council that they adopt the submitted Screening Opinion. Fife Council's Screening Opinion issued on 5th December 2019 advised that EIA is not required for the proposed development. The screening process is based on the question would this development be likely to have significant effects on the environment. In this instance it was not considered that an EIA was deemed necessary under the screening process as the location is not sensitive and the site is distant from most sensitive receptors.

1.4.6 As the site would be operated by Fife Resource Solutions LLP, which is an arm's length company operated by Fife Council, the proposed IBA facility constitutes a 'Local Authority Interest Development' where the planning authority is the applicant/developer and the development is to be located on land within the local authority's ownership. Circular 3/2009: Notification of Planning Applications requires that local authorities' own development proposals must follow the same planning processes as private development except in circumstances where the proposed development would involve a significant departure from the Development Plan. In these circumstances, planning authorities will be expected to demonstrate when notifying applications to Ministers, that they have carefully considered the Development Plan and there is reasonable justification for departing from its terms. As this application is in accordance with the Development Plan, there would be no need to notify the Scottish Ministers of any decision taken.

1.4.7 Due to the prevailing Covid-19 restrictions a site visit for this application has not been undertaken. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, they have sufficient information to determine the proposal.

## 1.5 EXECUTIVE SUMMARY

1.5.1 The proposal has been considered against the terms of the Development Plan in relation to the principle of development, design and visual impact on the countryside, residential amenity, infrastructure, road safety, land and air quality, environmental impact/ecology/trees, impact on built heritage, archaeology and sustainability. The assessment finds that the principle of the use of the site for the processing of IBA is acceptable as materials recovery is noted as a preferred use for the site in the adopted FIFEplan allocation LWD027.

1.5.2 Subject to control through appropriate conditions upon grant of consent, the development would not have any significant detrimental impact on any existing nearby properties in terms of visual impact, or result in potential nuisance from noise, dust and odour. The proposal would have no significant detrimental visual effect on the appearance of the public streetscene or the wider surrounding countryside area and heritage assets. It would not increase flood risk or detrimentally impact on ecological quality of the water environment. Subject to conditions, the proposals would not result in any adverse effects on the existing road network. The above factors, and others, have been considered in detail via the submission of relevant technical reports which have been subject to consultation with the appropriate consultees. Overall, the development is therefore considered to comply with the Development Plan in this regard.

1.5.3 Although conditions upon the grant of this planning consent would assist in ensuring that no detrimental environmental effects would occur as a result of the construction and operation of the IBA processing facility, the facility would also be (subjecting to a pending variation) governed by SEPA under the Pollution Prevention and Control Permit that covers the wider Landfill site. SEPA were consulted and raised no objection. SEPA's controls are considered more effective than planning conditions in respect of the day to day operation of this type of site, and therefore, in combination with the controls afforded by conditions upon grant of consent, the effects of the development proposals are considered to be able to be adequately controlled.

1.5.4 Taking all the relevant issues and concerns into account the proposal is considered acceptable and in accordance with the Development Plan.

## 2.0 PLANNING ASSESSMENT

2.1 The issues to be assessed against the development plan and other guidance are as follows:

-

1. Principle of Development
2. Design and visual impact
3. Residential amenity- noise/dust/odour
4. Infrastructure
5. Road safety
6. Land and air quality
7. Environmental impact/ecology/trees
8. Impact on listed buildings/designed landscapes and gardens
9. Archaeology
10. Sustainability

## 2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 SPP (2014) states that the planning system should: promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials; support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing; support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

2.2.2 TAYplan Strategic Development Plan (2017) Policy 7 Energy, Waste and Resources sets out the strategic considerations for the location of energy, waste and resource management infrastructure. It states that development proposals should ensure that all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified, at a minimum, on the basis of these following considerations where relevant;

- The Scottish Government's Zero Waste Plan (2010) to support the delivery of the waste management hierarchy and Safeguarding Scotland's Resources (2013);
- The anticipated effects of construction and operation on air quality, carbon emissions, noise and vibration levels, odour, surface and water pollution, drainage, waste disposal, leakage of hazardous substances, radar installations, navigation aids and aviation landing paths;
- The sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism, recreational interests and listed buildings, scheduled monuments and conservation areas; and
- The cumulative impacts of the scale and massing of multiple developments.

The applicant has assessed against the above considerations where relevant within their Planning Statement appended technical reports. This application is therefore consistent with TAYplan Strategic Development Plan policy 7 in this respect.

2.2.3 Policy 1, Part A, of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. Policy 7: Development in the Countryside states that development in the countryside will be supported where it is for the extension of established businesses. It also states that in all cases development must be of a scale and nature compatible with surrounding uses; well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and located and designed to protect the overall landscape and environmental quality of the area.

2.2.4 The application site is allocated in the FIFEPlan under reference LWD027 for an extension of Landfill and Recycling Centre. Any proposals would be subject to compliance with the additional criteria set out in FIFEPlan, including the requirement for development to be 'Waste treatment options such as composting, materials recovery, energy recovery and anaerobic digestion'. As a proposal for a materials recovery operation, it is considered that the proposed development is situated within a site allocated for the proposed use and therefore complies with Policy 1.



2.2.5 The proposed development is an extension to an existing waste management site which is allocated as such in the FIFE Plan. Furthermore, the portion of the overall waste management site that the development subject of this application would occur on is roughly 3.5% of the total area of LDP allocation LWD027, and benefits from existing infrastructure and screening. The proposal is therefore considered to be an acceptable use of land in the countryside and therefore complies with Policy 7.

2.2.6 In terms of the principle of the proposed development in this location, and taking into account all of the above, it is considered that this proposal is in conformity with the Development Plan and national guidance. The overall acceptability of such a development must, however, also meet other policy criteria and these issues are considered in detail below.

## 2.3 DESIGN AND VISUAL IMPACT

2.3.1 Adopted FIFE Plan Policy 1: Development Principles Part B indicates that development proposals must address their development impact by complying with certain criteria and supporting policies of the Local Development Plan (LDP). Pertinent to this application is Policy 13 - Natural Environment and Access. Policy 13 states that development proposals will be supported where they protect or enhance the natural heritage and access assets including Local Landscape Areas, woodlands, landscape character and views, green networks and access.

2.3.2 The development site is surrounded by screening trees to the south, and an established planted bund to the north and north east. A distance of approximately 600 metres exists between the west side of the development site and the B937 public road.

2.3.3 The applicant's agent has considered the proposals potential impact on the local landscape character, as outlined in the submitted Planning Supporting Statement. The statement advises that a Landscape and Visual Appraisal (LVA) has been carried out in support of this planning application, to identify the potential landscape and visual effects of the proposed development. The applicant explains that the landscape appraisal concludes that there would be no impact upon designated landscapes and that landscape effects would be localised due to the high degree of enclosure that is provided by Lower Melville Wood Landfill, Collessie Quarry and existing mature tree cover. Furthermore, they explain that the submitted visual appraisal concludes that the visibility of the proposed development would be limited by the existing landfill site and mature vegetation. The LVA demonstrates that views would be possible from the west along Core Path 183, the railway corridor, and isolated residential properties where breaks in the mature vegetation allow. However, any views would be in the context of the existing landfill. As part of the development proposals, landscape mitigation planting would also be implemented along the west site boundary and partial north site boundary, comprising a mixture of tree and shrub structure planting. This planting would assist in mitigating any views of the application site from the west. Another important consideration pertinent to this particular application and the processes involved is the temporary (although cyclical) nature of the stockpiles and plant (6-8 weeks on an annual basis) required.

2.3.4 Following an assessment of submitted material and appraisal, it is considered that the findings of the LVA are acceptable. In light of the above, it is considered the proposal is acceptable, and would have no significant detrimental visual effect on the appearance of the public streetscene or the wider surrounding countryside area. The proposal therefore complies with the Development Plan in this regard.

## 2.4 RESIDENTIAL AMENITY- NOISE/DUST/ODOUR

2.4.1 Planning Advice Note (PAN) 1/2011: Planning and Noise, Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017) apply in terms of residential amenity.

2.4.2 PAN 1/2011 promotes the principle of how noise issues should be taken into consideration with determining an application. The Adopted FIFEplan policies and guidance set out the importance of encouraging appropriate forms of development in the interests of residential amenity. They generally advise that development proposals should be compatible with their surroundings in terms of their relationship to existing dwellings, and that they should not adversely affect the amenity of neighbours, including noise and odour impacts.

2.4.3 The operating hours would be in accordance with the existing permitted operating hours of the MRF (Monday to Sunday 07:00 to 19:00), although the applicant states that with the exception of emergencies, there would be no operations undertaken on Sundays or on bank holidays.

2.4.4 A noise impact assessment (NIA) was submitted with this application to assess the risk of adverse impact from noise generated by the IBA processing operations on the closest noise-sensitive properties. The NIA concluded that the noise rating level, due to the daytime operation of the proposed development, was predicted to be 4dB above the background noise levels for processing operations, rising to 11dB above the background sound level at one receptor when the IBA stockpile has been depleted. The NIA notes that with reference to BS4142:2014+A1:2019, A difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on the context. With regards context, the applicant points out that the increase in noise levels would be marginal above existing background noise levels and for a limited time period of operation. Furthermore, they argue that in an exceptionally quiet rural area such as Lower Melville Wood, a relative noise limit could be unduly restrictive (based on guidance contained in PAN 50). The applicant goes on to add that during stockpiling, and during processing when the stockpiles have not been worked out, the predicted noise rating levels are much lower being between 11dB(A) below and 4dB(A) above the existing background sound level. Based on the above, the applicant considers that the proposed development would not have an adverse impact on the nearby noise-sensitive receptors.

2.4.5 Fife Council's Environmental Health Officer was consulted regarding this application. They initially expressed concern that no exact time period was specified for the duration that the stockpiles would be diminished, and thus the noise level increased. The applicant has since provided the Council's Environmental Health Officer (EHO) with the additional information regarding how long the stockpiles would take to be replenished. This information has been reviewed by the EHO who comments that the applicant has provided detail on operational practices which if implemented will assist in ensuring that noise is unlikely to have a detrimental impact on residential amenity of nearby residents. As a result, the EHO requests that the noise attenuation recommendations made by the applicant shall be required to be implemented prior to operation and retained throughout operation. Furthermore, they recommend a condition be implemented to require that 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. Subject to the above controls, the EHO raises no objection to the proposal in terms of noise nuisance.

2.4.6 In terms of the potential for dust nuisance, the Planning Statement submitted by the applicant outlines that the unprocessed IBA is delivered moist and would quickly form a crust which assists with the prevention of dust being blown off the stockpiles. Nevertheless, the applicant acknowledges that during dry spells it might however be necessary to spray the IBA (and IBAA) to prevent surface dust blowing off the stockpiles. This would be achieved with the use of on-site mobile water sprays. Other measures of dust management and control are outlined by the applicant to mitigate the risk of generation and release of dust during the IBA plant operations. The Council's EHO requests that a scheme specifying the measures to be taken for the suppression of dust shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be required to be implemented prior to operation and retained throughout operation. Subject to the above controls, the EHO raises no objection to the proposal in terms of dust nuisance.

2.4.7 With regards odour nuisances the Applicant's Planning Statement acknowledges that there is an ongoing issue regarding odours released from the landfill site. Nonetheless, they consider that in line with the findings of the Air Quality assessment (see section 2.7 for further details) the IBA processing facility would result in a negligible increase to odour exposure at nearby receptors. The Council's EHO raises no specific concern in relation to odour nuisances.

2.4.8 Regarding the above, it should be noted that if this planning application be successful, and if after completion of the development complaints of noise, dust or odour nuisance are received by the Environmental Health (Public Protection) Team, the team are duty bound to investigate. If nuisance is established, then works / further works may be required to abate the nuisance. Although conditions upon the grant of this planning consent would assist in ensuring that no detrimental environmental effects would occur as a result of the construction and operation of the IBA processing facility, the facility would be also be (subjecting to a pending variation) governed by SEPA under the Pollution Prevention and Control Permit that covers the wider Landfill site. The determination of this application is primarily focused on assessing whether this is an appropriate land use for this location and should not consider matters governed by other legislation.

2.4.9 In light of the above it is considered that the proposal is acceptable and in compliance with the Development Plan and relevant policies and guidelines regarding amenity.

## 2.5 INFRASTRUCTURE

2.5.1 Policy 3 of the FIFEplan states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) requires that a Sustainable Drainage System (SuDS) is installed for all new developments, with the exception of runoff from a single dwelling or discharge to coastal waters.

2.5.2 Policy 12 of the FIFEplan advises that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively, increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere; that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management; and that they will not detrimentally

impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.5.3 The applicant notes that the existing landfill surface water management system routes the water from the landfill to the east of the landfill where it is attenuated before discharge in accordance with limits stipulated in the site PPC Permit. Leachate from the existing landfill cells is collected and treated separately to the surface water system, and again is regulated by SEPA in accordance with the site PPC Permit.

2.5.4 As part of the application submission, the applicant has provided an assessment of the potential effects on the 'water environment' in order to assess the potential for the proposed development to impair soils, geology and the water environment. The submitted water environment assessment concludes that subject to the adoption of the best practice, no effects on soils, geology or the water environment have been identified. The assessment outlines that the detailed design of the development would be agreed with SEPA and regulated by the PPC Regulations and a variation to the existing site specific PPC Permit. The construction of the site would benefit from a Construction Quality Assurance programme and reporting. Also, the existing site PPC Permit would be varied to account for the development and include a programme of groundwater and surface water monitoring (requisite surveillance) to confirm that the development cell does not impair groundwater or surface resources.

2.5.5 Fife Council's Flooding Shoreline & Harbours Team were consulted on this application. They had no objection or comment to make regarding flooding, however requested the applicant provided the usual SuDS information, a detailed drawing and statement confirming how the site is to be drained, and a copy of the response from consultation with SEPA. Subsequent to the applicant supplying this information, Fife Council's Flooding Shoreline & Harbours Team confirm they have no further concerns nor objections.

2.5.6 In light of the above the proposal would be acceptable and complies with the relevant policies of the Development Plan.

## 2.6 ROAD SAFETY

2.6.1 Policy 1, Part C of the Adopted FIFEplan states that development proposal must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of the Adopted FIFEplan advise that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Planning Supplementary Guidance (2018).

2.6.2 The applicant has submitted a Transport Statement (TS) as part of the original application submission, which aims to assess the suitability of the site for the proposed development in transport terms, with an examination of the site location, site access arrangements, the proposed level of traffic movements and traffic distribution through the road network, with a focus on the Q62 and A92. The TS outlines that the proposed IBA facility is likely to generate a small level of HGV traffic when compared with the existing flows on the surrounding roads, which in turn would have an imperceptible impact on the operation of the local road network. It is further highlighted that the applicant has agreed to a routing policy which ensures all traffic departing from the site will turn left from the Q62 onto the A92 to remove any vehicle conflict at

this junction. Taking the above into account, the TS concludes that the proposals would not result in any adverse effects on the existing road network.

2.6.3 Fife Council's Transportation Development Management Team (TDM) were consulted regarding this application and made no objection. Having reviewed the documentation for the submission they concur with the Transport Statement regarding the impact of the number of proposed vehicle trips on the local road network being insignificant. They do however note that the existing visibility splays at the access to the facility, off the Q62, are currently substandard to the left and the right, and therefore recommend a condition to improve these visibility splays. It should be noted that the improvement of the visibility splays at the site entrance will likely require the removal of a number of trees and/or vegetation. Nonetheless, their removal will have a negligible effect on the screening of the site along this south boundary and would indeed result in a significant improvement to road safety. In addition, conditions were recommended that require the applicant to submit details of a routing policy and wheel cleaning facilities prior to the commencement of operation. Otherwise TDM raised no concerns.

2.6.4 The proposal would therefore be acceptable and comply with the Development Plan regarding Road Safety.

## 2.7 LAND AND AIR QUALITY

2.7.1 SPP (2014), PAN33, and Policy 10 of the Adopted FIFE Plan (2017) apply. PAN33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. SPP (2014) states that in determining applications for new installations, planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA. Policy 10 of the Adopted FIFE Plan advises development proposals will only be supported where there is no significant detrimental impact on amenity in relation to contaminated land, with particular emphasis on the need to address potential impacts on the site and surrounding area. Policy 10: Amenity supports development that will not have a significant detrimental impact on designated Air Quality Management Areas. An Air Quality Assessment may be required if it is suspected that a development may contribute towards a reduction in air quality below the Council's management standards.

2.7.2 It is noted that the site is fully licensed by SEPA for the operations carried out on site including the control of surface water run-off, pollution and contaminated materials (Scottish Environment Protection Agency (SEPA) Pollution Prevention and Control Permit Number PPC/E/0020085). This would also cover the operation of the IBA processing facility subject to any variation required by SEPA. SEPA's controls are more effective than planning conditions in respect of the day to day operation of this type of site and therefore this aspect of the development has been considered to be adequately controlled by another statutory agency. SEPA were consulted regarding this application and made no objection. The applicant is in receipt of SEPA's consultation response, and so are able to consider SEPA's requirements regarding the PPC Permit variation.

2.7.3 A Preliminary Land Quality Risk Assessment (PLQRA) was submitted with this application, undertaken to establish if there is any evidence of significant subsurface contamination from past or present activities on or adjacent to the Site. An Air Quality Assessment (AQA) was also submitted, which considers the potential for the proposed development to impact upon amenity in the vicinity of the application site.

2.7.4 Fife Council's Land and Air Quality team were consulted. They reviewed the Preliminary Land Quality Risk Assessment and Air Quality Assessment, and concur that they are generally satisfied with the information provided. They note that Development Management should be notified if any unexpected materials or conditions such as made-ground, gassing, odours, asbestos, hydrocarbon staining, or other apparent contamination are encountered during the development work associated with the operation of the IBA processing facility. They recommended that a standard condition be attached to the consent which would necessitate the submission of further assessments/remediation proposals if the aforementioned discovery of unexpected materials or conditions occurs. The Land and Air Quality team echo the advice of the Council's Environmental Health Officer insofar that if complaints of dust nuisance are received following completion of the development works, the Environmental Health (Public Protection) Team will be duty bound to investigate. If dust nuisance is established, then further works may require to be implemented to suppress dust generation from the storage/processing of the incinerator bottom ash.

2.7.5 In light of the above it is considered that, subject to the aforementioned condition, the proposal complies with the local development plan and associated guidance regarding potentially contaminated land and air quality.

## 2.8 ENVIRONMENTAL IMPACT/ECOLOGY/TREES

2.8.1 Making Fife's Places details the site appraisal process that new development is required to follow to provide sufficient evidence to demonstrate compliance with Policy 13. Proposals should consider ecological and natural heritage impacts from the outset and demonstrate, where appropriate, that appropriate mitigation has been designed in.

2.8.2 SPP (Valuing the Natural Environment) places a duty on planning authority to facilitate positive change in the environment whilst protecting and maintaining natural assets such as protected sites and species, the water environment, woodland and hedgerows. SPP also requires the planning system to seek to maximise biodiversity in new development, where possible.

2.8.3 The applicant's Planning Statement outlines that there are no nature conservation designations on the application site and no nature conservation features would be affected by the proposed development. The application site is located within an operational waste management site; there is therefore no public recreational access to the site and no core paths would be affected by the proposed development. Nonetheless, the applicant has submitted a Preliminary Ecological Appraisal (PEA) report, which details the extended Phase 1 Habitat surveys and protected mammal survey undertaken, and provides information on potential ecological constraints and opportunities.

2.8.4 The proposal has been reviewed by Fife Council's Biodiversity Officer, who after reviewing the PEA requested further information regarding;

1. Confirmation whether any woodland will be impacted for the proposed development and what mitigation is required and will be delivered for habitat and protected species.
2. Clarification regarding what precautionary methods are to be implemented to avoid any short-term impact on otters and red squirrels on and nearby to the site.
3. Confirmation if the access road construction will impact on the trees with bat roost potential as discussed in the PEA.

2.8.5 The applicant has provided the additional information required. Having reviewed this information, the Council's Biodiversity Officer raises no objection. They welcome the employment of an advisory Ecological Clerk of Works in order to undertake pre-construction monitoring. The biodiversity Officer recommends that the applicant should produce species protection plans, deliver toolbox talks for workers and identify where other measures may be required e.g. tree protection measures to BS5837. They further request that the advisory Ecological Clerk of Works should be employed in time to participate in pre-construction meetings and prior to any pre-construction works, to ensure that toolbox talks can be delivered in good time and that pre-start surveys are undertaken as required. These requirements have been included as conditions attached to this consent. As outlined in the PEA, the Biodiversity Officer remarks that normally it would be conditioned that vegetation clearance take place out with the bird nesting season (March to August inclusive), but if this was not possible then pre-works checks for nesting birds would be required, undertaken by a suitably qualified ecologist. Furthermore, they request that a Japanese knotweed management plan should be prepared and implemented. These factors would also be required as condition upon grant of consent.

2.8.6 On the basis of the above, and subject to conditions, it is therefore considered that the proposals would not have a significant adverse impact on the natural heritage assets of the site, nor of any protected species or habitats or areas of national or local significance for wildlife reasons. Considering these matters, the proposal accords with FIFEplan Policy 13, Making Fife's Places SG and SPP.

## 2.9 IMPACT ON LISTED BUILDINGS/DESIGNED LANDSCAPES AND GARDENS

2.9.1 FIFEplan Policy 1 Part B criterion 10 requires new development to safeguard the characteristics of the historic environment. Policy 14: Built and Historic Environment does not support development that would result in harm or damage to the setting of a listed building. Making Fife's Places provides more detail on the application of Policy 14. It explains that change in the built environment can be supported, provided it is appropriate for its location.

2.9.2 SPP expects the planning system to care and protect designated and non-designated historic environment assets, including related settings and the wider cultural landscape. SPP promotes positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets within the vicinity of a development site. Change should be sensitively managed to ensure the special characteristics of the historic environment are protected, conserved or enhanced.

2.9.3 Of significance to this application, there is a recorded historic Garden and Designed Landscape at Melville House, which is located approximately 800 metres north of the site. Melville House is also listed and is located a further 1,200 metres north of the southern boundary of the Garden and Designed Landscape area. As discussed in section 2.3, the applicant has submitted a Landscape and Visual Appraisal (LVA) in support of this planning application. With specific reference to designated landscapes, the landscape appraisal concluded that there would be no impact due to the high degree of enclosure that is provided by Lower Melville Wood Landfill, Collessie Quarry and existing mature tree cover.

2.9.4 The Council's Built Heritage officer was consulted on this application, however provided no comment.

2.9.5 In this instance the findings of the LVA can be adopted, insofar that the proposal is considered acceptable and would not impact on the above designations given the distance

between them and the site, and due to the presence of existing suitable natural screening of the application site, proposed mitigation planting, and the screening afforded by the existing landfill operation itself.

2.9.6 The proposal would therefore be acceptable and comply with the Development Plan with regards impact of the proposal on the characteristics of the historic environment.

## 2.10 ARCHAEOLOGY

2.10.1 SPP provides that planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording. There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.

2.10.2 FIFEplan Policy 14 Built and Historic Environment states that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage built heritage assets including Inventory Historic Battlefields. Policy 14 notes that "all archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Accordingly, development proposals which impact on archaeological sites will only be supported where: - remains are preserved in-situ and in an appropriate setting; or - there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigation is proposed.

2.10.3 In this instance, the site is not protected by any designation that reflects any known archaeological resource on the site and as the proposal only involves some minor earthworks, it is highly unlikely that any archaeological artefacts remain on site at such a limited depth to merit a watching brief condition. The proposal is therefore considered acceptable with this regard.

## 2.11 SUSTAINABILITY

2.11.1 Policies 1 and 11 of FIFEplan (2017) and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply with regards to the low carbon requirements expected of this proposal.

2.11.2 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal.

2.11.3 The proposed development is unlikely to have a large energy requirement or impact, considering the development does not consist of a 'built form', and the operation largely consists of sorting materials. Furthermore, an existing wind turbine already serves the wider Landfill Site and Waste Treatment Area. It is therefore considered that the development complies with the



policy requirements for renewable energy generation. The proposal would therefore comply with Development Plan Policy in this respect.

## CONSULTATIONS

Community Council	Objection.
Natural Heritage, Planning Services	No objection subject to conditions.
Structural Services - Flooding, Shoreline And Harbours	No further comment or objection.
Built Heritage, Planning Services	No comment.
Policy And Place Team (North East Fife Area)	No objection.
Business And Employability	No comment.
Environmental Health (Public Protection)	No objection subject to conditions.
Transportation, Planning Services	No objection subject to conditions.
Transportation And Environmental Services - Operations Team	No response.
Land And Air Quality, Protective Services	No objection subject to condition.
Scottish Environment Protection Agency	No objection. Recommendations for PPC with applicant.
Asset And Facilities Management Services	No response.

## REPRESENTATIONS

### REPRESENTATIONS

There were 79 objections received to the application which includes five from the same household. This included objections from Monimail Community Council, Ladybank Community Council, and Giffordtown Community Council as a statutory consultees, and MSP Willie Rennie. The issues raised in the objections and responses to these are summarised as follows:

#### 1. Potential for dust nuisance

Section 2.4 sets out the potential dust impacts of the development and also notes that mitigation can be provided to mitigate any impact. Conditions have been added to ensure these are implemented. Should this planning application be successful, if after completion of the development, complaints of dust nuisance are received by the Environmental Health (Public Protection) Team, the team are duty bound to investigate. If nuisance is established, then works / further works may be required to abate the nuisance.

#### 2. Potential for odour nuisance/ pollution

Section 2.4 sets out the potential odour impacts of the development, noting that the IBA processing facility would result in a negligible increase to odour exposure at nearby receptors. If nuisance is established, then works / further works may be required to abate the nuisance. Furthermore, odour itself is subject to control by the Pollution Prevention Control (PPC) Permit

issued by SEPA. Section 2.7 also considers impact on air quality, concluding that the proposal complies with the local development plan and associated guidance regarding air quality.

### 3. Potential for noise nuisance

Section 2.4 sets out the potential noise impacts of the development, with Fife Council's Environmental Health being satisfied with the proposals subject to conditions requiring the implementation of noise attenuation and noise limitations for any neighbouring properties. If nuisance is established, then works / further works may be required to abate the nuisance.

### 4. Impact on surrounding Landscape / heritage assets

Section 2.3 and 2.9 sets out the consideration of the visual impact of the development, concluding that the proposal is considered acceptable and would not impact on any landscape or heritage assets given the distance between them and the site, the presence of existing suitable natural screening of the application site, mitigation planting, and screening afforded by the existing landfill operation itself.

### 5. Impact of traffic on local road network

Section 2.6 sets out the consideration of the impact of the development on the local road network, concluding that subject to conditions regarding improvement of the existing visibility splays at the access to the facility, and submission of details regarding a routing policy and wheel cleaning, the proposals would not result in any adverse effects on the existing road network.

### 6. Potential for Water pollution issues/ harm to public health

As detailed in section 2.5, the applicant has provided an assessment of the potential effects on the 'water environment' in order to assess the potential for the proposed development to impair soils, geology and the water environment. The submitted water environment assessment concludes that subject to the adoption of the best practice, no effects on soils, geology or the water environment have been identified. In considering the proposals, regard is also given to emissions to air. Both the Councils Land and Air Quality Team and Flooding, Shoreline and Harbours Team were consulted and raised no concerns with regards the submitted water environment assessment, or Air quality Assessment as relevant. Thus, it can also be deemed that there would be no impact on human health. Furthermore, the development will be subject to additional controls through a variation of the existing PPC Permit, of which SEPA will not issue unless they are satisfied that the development will not give rise to harm to the environment. The applicant explains that they understand SEPA are minded to issue a variation to the site's PPC Permit for the development, although this has not been verified.

### 7. Potential for IBA and IBAA to be hazardous

The applicant explains that IBA is classed as a non-hazardous waste; it is only the Air Pollution Control Residues (APCR) from an Energy from Waste (EfW) facility that are classed as hazardous and APCR's will not be accepted at the facility. Furthermore, under the PPC Permit, only non-hazardous wastes would be allowed to be managed at the site.

## 8. Cumulative Effects of the development and 'planning creep'

Fife Council's Screening Opinion issued on 5th December 2019 advised that EIA is not required for the proposed development. One of the factors that influenced and facilitated this decision (and thus no significant effects on the environment) was that it was considered that the proposed IBA processing facility would not result in potential cumulative impacts with other existing development, or development not yet begun but for which planning permission exists.

## 9. Performance / Track record of the current landfill site and SEPA

Previous odour complaints relate to landfilling activities at this site. The determination of this current application is made on the merits of the current application submission only. As considered in section 2.4, this current development would only result in a negligible increase to odour exposure at nearby receptors.

## 10. The development Should be located elsewhere

The determination of this current application is made on the merits of the current application submission only. There is no planning policy requirement for the applicant to demonstrate consideration of alternative sites, and therefore the location of the proposed development elsewhere is not considered a material planning consideration.

## 11. Lack of Consultation and limitations presented due to Covid-19

As a 'Major' development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 the statutory pre-application consultation process was complied with, including the service of the requisite notices and holding a public exhibition. There was a clerical oversight in actioning all necessary public consultation routes when the application was registered, However, since then, neighbour notification was carried out in line with the statutory requirements. In line with (2) (a) of Schedule 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, as use of land for the disposal of refuse or waste materials or for the storage or recovery of reusable metal, the application was also advertised in the local press on 10th September 2020 as a Schedule 3 (formerly Bad Neighbour) Development.

## 12. Conflict of interest

The role of the Planning Authority is to take decisions separately from the Council, particularly when the Council is the applicant. PAN 82 (Local Authority Interest Developments) sets out guidance to avoid any conflict of interest. This essentially requires the planning authority to carry out a robust transparent assessment of the proposals setting aside any corporate interest. This has occurred in this application. In addition, the final decision will be taken by the Planning Committee which also sits separate from the Corporate Body of the Council. All documents which the decision will be taken on are publicly viewable and the applicant carried out suitable public consultation prior to submission.

## 13. No market for IBAA has been identified/ no need for IBA at the landfill site in the future.

The determination of this current application is made on the merits of the current application submission and the effects of the proposal only. There is no planning policy requirement for the

applicant to demonstrate consideration of a forward market for the IBAA or end product, and therefore this is not considered a material planning consideration.

14. The proposal does not comply with UK Environment Agency guidelines in the absence of Scottish Government and SEPA guidelines.

The design of the IBA processing facility from a technical standpoint is subject to consideration and control by the Pollution Prevention Control (PPC) Permit process by SEPA. As discussed in Section 1.4, Paragraph 188 of Scottish Planning Policy (SPP) states that in determining planning applications for new waste installations, planning authorities should determine whether proposed development would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

15. The environmental impact of transporting IBA/IBAA to/from the site.

The proposals have been considered by The Councils Transport Development Management team. As outlined in Section 2.6, the impact of the number of proposed vehicle trips is considered to be insignificant when compared with the existing flows on the surrounding roads.

16. Conflict between leisure users/ local businesses and the operators of the site.

Representations cite that amenity affects, i.e. noise, dust and odour currently do, and will cause conflict. As outlined in section 2.4, subject to conditions, the proposal is considered acceptable and in compliance with the Development Plan and relevant policies and guidelines regarding amenity.

17. Lack of accountability due to foreign operator.

The determination of this current application is made on the merits of the current application submission only. If after completion of the development complaints of noise, dust or odour nuisance are received by the Environmental Health (Public Protection) Team, the team are duty bound to investigate, with the responsibility for compliance lying with the applicant, Fife Resource Solutions (FRS). Furthermore, as discussed in Section 2.7, the site would also be governed by SEPA via the Pollution Prevention and Control Permit for the site, with the end responsibility also being FRS.

18. The controls for managing source testing to ensure that the IBA in non- hazardous are too lax.

The design of the IBA processing facility from a technical standpoint is subject to consideration and control by the Pollution Prevention Control (PPC) Permit process by SEPA. As discussed in Section 1.4, Paragraph 188 of Scottish Planning Policy (SPP) states that in determining planning applications for new waste installations, planning authorities should determine whether proposed development would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

19. Doubt whether the leachate treatment function of the site will be able to cope.

As discussed in Section 2.5, Leachate from the site would be regulated by SEPA in accordance with the site PPC Permit. The applicant has provided an assessment of the potential effects on the 'water environment' in order to assess the potential for the proposed development to impair

soils, geology and the water environment. The submitted water environment assessment concludes that subject to the adoption of the best practice, no effects on soils, geology or the water environment have been identified. The assessment outlines that the detailed design of the development would be agreed with SEPA and regulated by the PPC Regulations and a variation to the existing site specific PPC Permit. SEPA have been consulted on the application proposals and have raised no objection.

20. The proposal will inevitably require floodlighting, which is not shown on the plans.

The determination of this current application is made on the merits of the current application submission. The proposals do not include flood lighting. Should flood lighting be required in the future, and not be considered permitted development, an application to assess the impact of the floodlighting will be required.

21. The application is for an infinite process with no end date.

As is the norm, the applicant has applied for planning permission in perpetuity rather than a set number of years. In the case of this particular application, there has been no material reason for the Planning Authority to restrict the development and operation proposed to a set period of time.

22. What guarantees will be in place to ensure vehicles will not use the B937?

The proposals have been considered by The Councils Transport Development Management team. As outlined in Section 2.6, a condition has been recommended that requires the applicant to submit details of a routing policy, which will remain effective for the lifetime of the development. The routing policy ensure that vehicles driving to and from the application site would not result in any adverse effects on the existing road network.

23. The application has no compatibility with the existing permission for the landfill.

As discussed in section 1.5, the principle of the use of the site for the processing of IBA is considered acceptable and therefore compatible with the existing landfill use, as materials recovery is noted as a preferred use for the site in the adopted FIFEplan allocation LWD027.

24. IBA should not be being brought into the site from outside of Fife.

There is no relevant planning policy requirement that would require the origin of the IBA being processed to be within Fife, and therefore the transportation of the IBA from outwith Fife to the application site is not considered a material planning consideration.

25. The proposal will not result in the creation of jobs.

There is no relevant planning policy requirement that would require this development to result in the creation of jobs, and therefore this factor is not considered a material planning consideration.

26. The proposal would be dangerous to local wildlife.

Section 2.8 sets out the potential impacts of the development on natural assets, concluding that subject to conditions, the proposals would not have a significant adverse impact on the natural heritage assets of the site, nor of any protected species or habitats.

27. Development has already begun without permission.

As noted in section 1.3.5, It is noted from the Council's drone footage that formation of the perimeter bund has already been commenced. Nonetheless, this aspect has been assessed as part of the overall application. Should members be minded to refuse this application, the Council's Planning Enforcement team have powers to investigate any works already commenced which may or may not require planning permission.

28. The operation of the existing landfill should have finished by now.

The determination of this current application is made on the merits of the current application submission only. As such, the operating timescales of the existing landfill is not a material planning consideration in the determination of this current planning application.

29. The IBA processing operations will likely expand beyond what is currently proposed.

The determination of this current application is made on the merits of the current application submission only. A condition has been included which limits the storage and processing of the facility to no more than 45,000 tonnes of incinerator bottom ash (IBA) per annum. Any variance to this would require a separate application for planning permission with an associated assessment of impacts.

30. Concerns regarding proposals for an incinerator.

The proposals do not include an incinerator.

31. The submission could be considered obscurification- too much information has been provided.

The applicant submission is of a standard considered adequate to be validated. All necessary information required to make a robust assessment has been provided by the applicant.

32. The proposals will result in the depreciation of nearby property and land prices.

The impact of the proposals on land and property prices is not a material planning consideration in the determination of this current planning application.

## **CONCLUSIONS**

The proposed development is acceptable in land use terms with its surrounds at this location. It is furthermore acceptable in terms of visual amenity, noise, potential land contamination, road safety and natural heritage, subject to conditions. The proposal is therefore considered to be acceptable in meeting the terms of the Development Plan and other relevant guidance.

## RECOMMENDATION

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

1. The development shall not be brought into use until all works which form part of the sound attenuation scheme as specified within the SLR Noise Impact Assessment dated May 2020 have been carried out in full. The measures outlined in the sound attenuation scheme shall be operated throughout the life of the planning permission. Furthermore, the total noise from all plant, machinery or equipment shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation. For the avoidance of doubt, day time shall be 0700-2300hrs and night time shall be 2300-0700hrs.

Reason: In the interests of amenity.

2. Prior to commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority specifying the measures to be taken for the suppression and management of dust arising from operations permitted by this consent. The measures shall include details of investigative procedure and appropriate mitigation where complaints of dust nuisance are received. The approved scheme shall also be implemented prior to any works on site commencing and shall be operated throughout the life of the planning permission.

Reason: In the interests of amenity.

3. Prior to the commencement of development, a routing policy shall be submitted to Fife Council as Planning Authority. For the avoidance of doubt the routing policy shall ensure that all HGV traffic associated with the development subject of this consent shall enter / exit the site from / to the A92 only. In addition, all traffic exiting the site shall turn left only at the A92 / Q62 junction. The approved scheme shall also be implemented prior to any works on site commencing and shall be operated throughout the life of the planning permission.

Reason: In the interest of road safety, to ensure HGVs utilise the strategic road network.

4. Prior to the commencement of development, details of wheel cleaning facilities shall be submitted for the written approval of this planning authority and shall thereafter be utilised throughout the construction period of the development so that no mud, debris or other deleterious material is carried by vehicles onto the public roads.

Reason: In the interest of Road Safety, to ensure the provision of adequate wheel cleaning facilities.

5. Prior development commencing on site, a plan detailing visibility splays of 3m x 210m at the junction of the site access and the Q62, insofar as lies within the applicant's control shall be submitted for the written approval of Fife Council as planning authority. These details shall include any land regrading and vegetation removal required. Replacement landscaping and trees shall be provided for any that are removed. Prior to the commencement of operations on site, the approved visibility splays shall be provided and maintained clear of all obstructions exceeding 1.05 metres above the adjoining carriageway level, in accordance with the current

Fife Council Transportation Development Guidelines. These visibility splays shall remain in perpetuity.

Reason: In the Interest of road safety, to ensure the provision of adequate design.

6. IN THE EVENT THAT CONTAMINATION NOT IDENTIFIED BY THE DEVELOPER prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

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

7. If any vegetation clearance and demolition take place within the bird nesting season (March to August inclusive), then prior to any such works taking place, the developer shall be required to first gain the express written consent of the Council as Planning Authority. This shall require the developer to submit a walkover survey during the bird nesting season in question, undertaken by a suitably qualified ecologist.

Reason: In the interests of biodiversity and ecology.

8. Prior to commencement of development, a Japanese knotweed management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall also be implemented prior to any works on site commencing and shall be operated throughout the life of the planning permission.

Reason: In the interests of biodiversity and ecology.

9. Prior to any pre-construction works or development, an advisory Ecological Clerk of Works shall be employed to undertake pre-construction monitoring and surveys. The advisory Ecological Clerk of Works shall also produce species protection plans, deliver toolbox talks for workers, and identify the requirement for other measures such as tree protection (to BS5837) where appropriate. Thereafter the species protection plans, and any other measures identified 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.



10. The scheme of landscaping submitted by the applicant and as detailed within submitted drawing LMWA-LV-07 shall be implemented within the first planting season following the initiation of the development.

Reason: In the interests of visual amenity.

11. All planting carried out on site shall be maintained by the owner of the development 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.

12. The IBA processing facility hereby approved shall store and process no more than 45,000 tonnes of incinerator bottom ash (IBA) per annum, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure the intensity of operations on site is not increased beyond a level that would have a negative impact upon amenity or the local road network.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

### National Guidance

SPP - Scottish Planning Policy (2020)

TAYPlan (2017)

PAN 1/2011: Planning and Noise (2011); and

PAN 1/2013: Environmental Impact Assessment (2013).

### Development Plan

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

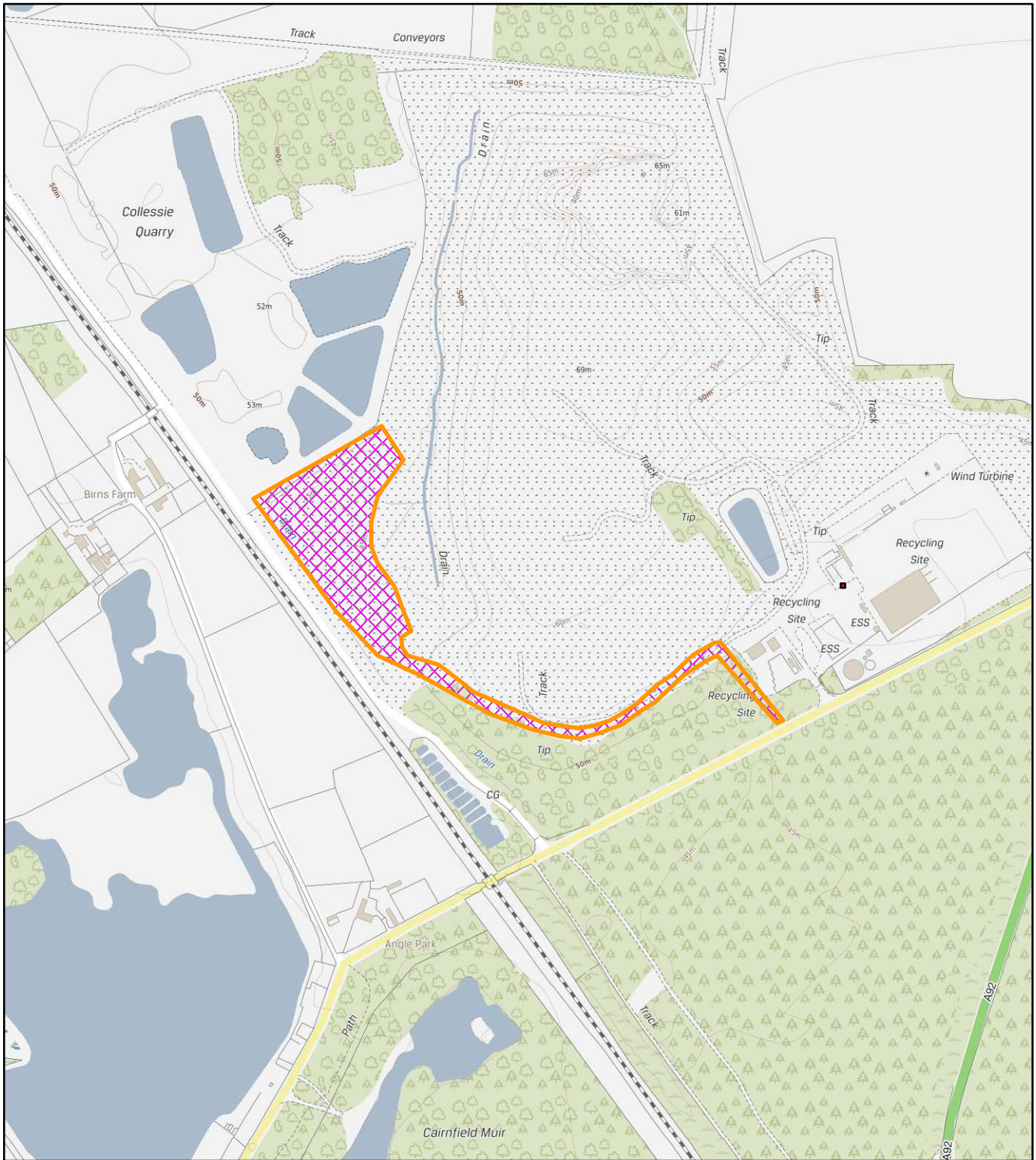
### Other Policies

Zero Waste Fife: Resource Strategy and Action Plan 2018-2028.

Report prepared by Edward Bean

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 29/1/21.

Date Printed 29/01/2021



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<b>Legend</b>			<p>Economy, Planning &amp; Employability Services</p>
	<b>Application Boundary</b>		

**ITEM NO: 9**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02824/FULL**

**SITE ADDRESS: TROMIE SHORE STREET CELLARDYKE**

**PROPOSAL : ALTERATIONS TO DWELLINGHOUSE AND ERECTION OF TWO STOREY DOUBLE GARAGE**

**APPLICANT: MR AYAZ GHANI  
29A SHORE STREET CELLARDYKE SCOTLAND**

**WARD NO: W5R19  
East Neuk And Landward**

**CASE OFFICER: Fiona Kirk**

**DATE REGISTERED: 01/12/2020**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than five objections have been received with regard to this proposal.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

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. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

## 1.0 BACKGROUND

1.1 This application relates to a modern one and a half storey dwellinghouse with attic accommodation which is situated within an established residential area on the shoreline within Cellardyke close to the Category B Listed Harbour. The property is also situated within the Cellardyke Conservation Area, but is not a Listed Building, although there are Category C and B Listed Buildings adjacent to this property. There is an existing UPVC conservatory extension attached to the south gable end of the dwellinghouse and to the north is a timber double domestic garage and shed with the front garden monoblocked for additional parking and a turning area. The site is bounded by traditional stone walls and timber fencing of varying heights and a one metre iron gate. There are two existing rooflights on the west side of the roof and four rooflights on the east side of the roof. The finishing materials of the dwellinghouse comprise of red concrete interlocking rooftiles, buff dry dash render and white UPVC modern casement windows.

1.2 This application is for alterations to dwellinghouse and erection of two storey double garage. The proposal would involve the removal of the existing conservatory extension on the south gable end to be replaced with a bay extension to the same height and width as the existing property at a depth of 2.5 metres and width of 7.2 metres. The gable end of the new extension would be fully glazed at ground floor level with aluminium sliding doors which would lead out to a new timber decking area. The upper level south gable end would also be fully glazed with aluminium doors which would access onto a recessed balcony area within the floor area of the property which would be enclosed with a glazed balustrade. New aluminium windows would be installed and the concrete rooftiles would match existing. The external roughcast to the walls would be painted white with black vertical timber cladding applied to the bay extension and porch. A new box dormer window would be installed on the east side of the property to create an en-suite and which would be clad in timber with a single ply roof. On the west facing side elevation a new entrance porch would be built with a pitched roof which would be hipped into the existing roof with a door in the front elevation and a window in the rear elevation. The configuration of the existing rooflights would also be changed. On the west side of the roof, three rooflights would be installed with an additional larger rooflight comprising of three rooflights also installed. On the east side of the roof, on either side of the proposed dormer window two larger rooflights comprising of three rooflights each would also be installed. A glazed balustrade would also be built on the south west corner of the boundary wall to provide a degree of shelter to the new timber decking area and garden. A small flue would be installed in the west side of the roof to service a wood burning stove utilising an existing chimney.

1.3 The proposal would also include the demolition of the existing double timber garage and shed in the front garden to be replaced with a two storey double garage and parking area with a studio above. The garage at a size of 2.8 metres by 4.9 metres would be suitable for one vehicle with two further sheltered open parking spaces adjacent. A studio and WC would be formed on the upper level with an external staircase and entrance constructed on the north facing gable end adjacent to Shore Street. The proposed garage at approximately 5.9 metres in height to the same height as the dwellinghouse would have three rooflights and a high level window on the west elevation, a small window in the north gable end, a feature angled window on the south gable window and would be finished in vertical black timber cladding with a black profile roof. The existing parking and turning area within the front garden would remain and new timber gates would replace the existing iron gates, opening inwards within the site. An extensive design statement, supporting statement, daylight angle plan and Shore Street perspective plans have been submitted with this application.

1.4 With regard to the planning history for this property, in 2001 planning permission was granted (01/03425/FULL) for the erection of a conservatory extension to the dwellinghouse. A Conservation Area Consent application (20/02825/CAC) is currently running in conjunction with this planning application for the demolition of the existing garage.

1.5 A physical site visit has not been undertaken. All necessary information has been collated digitally to allow the full consideration and assessment of the application. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. The property can be adequately viewed to the front and sides on Google Maps and the agent has submitted additional photographs of the existing dwellinghouse and garage.

## 2.0 PLANNING ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows:-

- Principle of Development
- Residential Amenity
- Impact on the Conservation Area, Design and Visual Impact
- Road and Pedestrian Safety

### 2.2 Principle of Development

2.2.1 Policy 1, Part A of the Adopted FIFEplan Local Development Plan (2017) stipulates that the principle of development will be supported if it is (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. As the application site lies within the settlement boundary of Cellardyke as defined in the Adopted FIFEplan Local Development Plan (2017) there is a presumption in favour of development subject to satisfactory details. The principle of development for this type of structure within garden grounds has already been established with the existing garage and other contemporary extensions constructed within neighbouring properties in Cellardyke, where property owners wish to optimise views from their properties across the Firth of Forth and shoreline. Therefore, the proposal is considered to be acceptable in principle in broad land use policy terms as it would comply with the Local Development Plan in this respect. However, specific design details and amenity impacts also need to be considered to determine if the proposal is acceptable as proposed.

### 2.3 Residential Amenity

2.3.1 Policies 1, 10 and 13 of the Adopted FIFEplan Local Development Plan 2017, Fife Council's Making Fife Place's Supplementary Guidance (2018) and Fife Council's Customer Guidelines on Garden Ground apply with regard to this proposal. Policy 1 of the Adopted FIFEplan 2017 advises that a development proposal will be supported if it is in a location where the proposed use is supported by the Local Development Plan and proposals address their individual and cumulative impacts. Policy 10 of the Adopted FIFEplan 2017 advises that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and will not lead to a significant detrimental impact on the amenity in relation to traffic movements and loss of open space and green networks. Policy 13 of the Adopted FIFEplan 2017 advises that development proposals will only be supported where they protect or enhance natural heritage and access assets including green networks, green spaces, core paths, existing rights of way and established footpaths. Fife Council's Making Fife Place's Supplementary Guidance

(2018) focuses on site appraisal and the context of a site to ensure there is no impact on residential amenity. Fife Council's Customer Guidelines on Garden Ground advise that proposals should not reduce the neighbour's quality of life or harm the quality of the local environment. Proposals shall be compatible with their surrounds in terms of land use and relationship to existing dwellings and not intrude on neighbour's privacy. It is important that personal privacy and amenity is protected and must be considered in determining a planning application as outlined in the relevant policies and guidelines.

2.3.2 Objection concerns have been submitted regarding the potential use of the studio and garage as a new house or business/commercial use which would increase in traffic flow and congestion, loss of existing parking spaces and access issues to site which would lead to danger to pedestrians, residents and pets within the street. The agent has confirmed the property would only be used as accommodation ancillary to a private dwellinghouse and for the avoidance of doubt an appropriate condition would be applied. Concerns have also been raised regarding loss of view with the increase in the height of the gates and there being no justification for this increase. In this instance, the loss of view and the specific reasons for the requirement for the increase in height of the gates are not material considerations in the assessment of this proposal. For information purposes for Members, the increase in the height is intended to protect the privacy of the owners of the property. Concerns regarding restriction of access created by the proposed for emergency vehicles and for maintenance repairs is again not a material consideration and adequate access is available around the property and to neighbouring properties. The agent has submitted amended plans to address the concerns objectors had with discrepancies to the block plan and Shore Street elevations. All the issues have been adequately addressed.

2.3.3 Objector concerns have also been raised regarding potential overshadowing of Shore Street and neighbouring properties particularly opposite the site itself. They further contend that the submitted 20-degree angle plan submitted also shows the proposal would have an impact. In this instance, a 20-degree daylight plan was submitted with this proposal as advocated in the Building Research Establishment guidelines, to demonstrate that the proposal would not have a significantly detrimental impact on the adjacent neighbour property. The 20-degree assessment and proposed perspective street scape plan does demonstrate that the development would be within acceptable parameters and not have any detrimental impact. With respect to sunlight received in neighbouring gardens, it is not considered that the development would have a significant impact in the context of the above noted guidance. This proposal would also be one of the smallest buildings on Shore Street in comparison to neighbouring properties and is an adequate distance to neighbouring properties, in particular opposite this site.

2.3.4 The proposed garage and studio has been suitably positioned within the site with no impact on the existing off-street parking and away from the neighbouring properties along this street. Although this garage, studio and extension to dwellinghouse is larger, the development does retain sufficient garden ground for the day to day activities of the owners. There is also sufficient boundary wall protection in place between gardens to provide some screening to the neighbouring gardens. Currently, there is still a degree of overlooking and mutual visibility between the gardens of the adjacent properties which already has an impact on the levels of privacy enjoyed by the residents in the street. In terms of residential amenity issues this proposal does not have any further detrimental impact to the immediate area than already exists at present.

2.3.5 Notwithstanding the above, each proposal must be assessed on its own merits. It is considered that the proposal by way of its land use, size and scale would not have a material adverse impact on the amenity of neighbouring properties or diminish the amenity of the

neighbouring residents and therefore the development would comply with the relevant Local Development Plan and guidelines relating to residential amenity.

## 2.4 Impact on the Conservation Area, Design and Visual Impact

2.4.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (Revised 2020) (Valuing the Historic Environment), Historic Environment Policy for Scotland (April, 2019), Historic Environment Scotland's Managing Change in the Historic Environment on Extensions, HES New Design in Historic Settings 2010, Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Fife Council's Making Fife Place's Supplementary Guidance (2018), Fife Council's Planning Customer Guideline on Home Extensions (including garages and conservatories), Dormer Extensions, Fife Council's Cellardyke Conservation Area Appraisal and Management Plan 2015 apply with regard to this property.

2.4.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be paid to the desirability of preserving the character and appearance of a Conservation Area. Policy HEP2 of the Historic Environment Policy for Scotland (April, 2019) advises that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations. Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Scottish Planning Policy (Revised 2020) (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development within a Conservation Area shall be appropriate to the character and setting of the Conservation Area. Change should be sensitively managed to avoid or minimise adverse impacts and to ensure that its special characteristics are protected, conserved or enhanced. It also advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use. Historic Environment Scotland's Managing Change in the Historic Environment on Extensions advises that extensions must be designed in a high-quality manner using appropriate materials and must protect the character and appearance of a building. Historic Environment Scotland's New Design in Historic Settings advises that the sensitive use of appropriate colour, texture and pattern of materials whether traditional or contemporary is important. Their use and detailing particularly near open landscapes, is crucial in making a development stand out or blend in. Also new interventions in historic settings do not need to look old in order to create a harmonious relationship with their surrounds.

2.4.3 Policy 14 of the Adopted FIFEplan Local Development Plan 2017 advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage the character or special appearance of a Conservation Area and its setting, having regard to Conservation Area Appraisals and associated management plans. Fife Council's Making Fife Place's Supplementary Guidance (2018) advises that good design plays a vital role to maintain the character and quality that affects people's experience of a place. Fife Council's Planning Customer Guideline on Home Extensions and Dormer Extensions advises that development should not alter the character of a house and fit in with the design, style, size and proportion and materials of the property. The Cellardyke Conservation Area Appraisal and Management Plan 2015 advises that the correct use of traditional materials and detailing is important in defining, protecting and enhancing the special character of the Conservation Area. Any new development within a Conservation Area should also be sympathetic to adjacent buildings and the area as a whole.

2.4.4 Fife Council's Built Heritage Team have been consulted with regard to this proposal and have recommended approval to the proposal as there would be no adverse impact on the special architectural or historic character or appearance of the Conservation Area. The Historic Environment Scotland guidance in Managing Change in the Historic Environment on Extensions and New Design in Historic Settings are relevant to the alterations to the house and new studio and garage. In this instance the alterations and new building comply with the guidance, they are of appropriate quality and design, sympathetic with the Conservation Area, which would also enhance the Conservation Area. It is considered that the location and height of the garage does not have an adverse impact to the adjacent properties, most of which are two storey, in terms of close proximity to neighbouring buildings and the setting with no detrimental impact to the immediate and wider Conservation Area. The design is also sympathetic and complements the overall site and is considered to be acceptable as the style and location are appropriate for this type of development given the existing modern appearance of the dwellinghouse and garage and how and where they have been built.

2.4.5 Objectors who have raised concerns have stated that a two storey development on the garage site is excessive and should be single storey as it makes the street darker and less welcoming to residents and visitors, not in keeping or sympathetic to the Conservation Area, poor porch design with inappropriate finishing materials to the garage and porch, particularly, the black timber cladding. Objectors also advise that there are no other wooden structures in the surrounding street and therefore this proposal would dominate the streetscape with an incongruous modern building, but better design treatment of the Shore Street elevation could create a positive improvement to the existing bungalow. Concerns were also raised regarding the proposed architecturally confusing piecemeal use of traditional vernacular features and they reference that the design statement would conflict with the history of the area in terms of the existing and proposed development. In this instance, officers note that whilst this two-storey garage and studio is larger in comparison to the existing garage positioned along Shore Street, the majority of the neighbouring buildings in the immediate area are two storey and located close to the road. Officers consider that the site is large enough to accommodate the size of this proposal and the height and proportion of the development does not overwhelm the surrounding buildings and its contemporary design is aesthetically appealing with a sensitive approach to this historic area. Officers note that the proposed increase in height is required to ensure that the provision of off-street parking is secured and the existing boundary wall and new gate would minimise the scale and protect the buildings. It is also noted that the proposed garage and studio are unique in terms of scale and design to other buildings; however, it is also considered that it has been attractively and sympathetically designed in aesthetically pleasing traditional materials of a high quality; in a natural material. The use of black vertical timber cladding and modern finishes are good examples of sustainable and renewable building materials which are encouraged by environmentalists, regardless of the lack of this type of material in the immediate area, where traditional materials are prominent. Officers also welcome that the alterations to the dwellinghouse also complement the existing modern building and the glazing features to the south facing gable end, to maximise views of the beach and the coastal line, are a good example of contemporary architecture. Taking all of the above into account, it is considered that the proposal respects the architectural and visual quality of the surrounding environment and is in keeping with the character and appearance of the Cellardyke Conservation Area. Therefore, it is considered that the proposal complies with National Guidance, the Local Development Plan and relevant guidelines relating to design and visual impact.



## 2.5 Road and Pedestrian Safety

2.5.1 Policies 1, 3 and 10 of Adopted FIFEplan Local Development Plan (2017) and Fife Council's Making Fife's Places Transportation Development Guidelines apply with regard to this proposal. These policies and guidance state the development will only be supported where it has no road safety impacts and should not endanger pedestrians or road users. In this instance the policies will be applied to assess what impact the proposed development would have on the general road and pedestrian safety of the immediate area.

2.5.2 As stated earlier in this report, concerns raised by objectors regarding the potential use of the proposed garage and studio as a new house, commercial or business use which would lead to an increase in traffic flow and congestion, loss of existing parking spaces and access issues to site which would lead to danger to pedestrians, residents and pets within the street have been considered. In this instance the existing parking provision and turning area for the property is already established and would be retained in the same position within the site and therefore no further impact should occur outwith the site to jeopardise the existing parking and traffic flow on Shore Street. Overall the proposal is not considered to cause any significant impact on road or public safety given the existing established access and off-street parking for this property. Therefore, it is considered that this proposal would comply with the Development Plan, guidance and relevant policies relating to road and pedestrian safety.

### CONSULTATIONS

Built Heritage, Planning Services

There would be no adverse impact on the special architectural or historic character or appearance of the conservation area. Approval supported.

### REPRESENTATIONS

Seven objections have been submitted with regard to this proposal. The concerns raised in the objections can be summarised with a Planning Officer response as follows:-

1. Two storey development on garage site is excessive. Should be single storey as height next to road makes part of Shore Street darker and less welcoming and safe place for residents and visitors.

Case Officer response: This concern has been considered and addressed in Sections 2.4.4 and 2.4.5 of this report

2. Not in keeping and unsympathetic to the Conservation Area. Poor porch design and inappropriate finishing materials, particularly the black vertical timber cladding. No other wooden structures in surrounding street and would dominate streetscape and incongruous modern building with detrimental impact to Listed Buildings and Conservation Area. Contrary to and referred to in the Cellardyke Conservation Area Appraisal and Management Plan in terms of unsympathetic modern development.

Case Officer response: This concern has been fully considered and addressed in Sections 2.4.4 and 2.4.5 of this report.

3. Better treatment to Shore Street boundary and more creative improvement to existing bungalow.

Case Officer response: The concern has been fully considered and addressed in Sections 2.4.4 and 2.4.5 of this report.

4. Potential use of studio and garage as new house or business/commercial use which would increase traffic flow and congestion, addition and loss of existing parking spaces and access issues to site which would all lead to danger to pedestrians, residents and pets.

Case Officer response: This concern has been fully considered and addressed in Sections 2.5.2 and 2.5.2 of this report.

5. Overall size creating overshadowing to Shore Street and neighbouring properties particularly opposite the site. The fact that the plans highlight a 20 degree angle shows an obvious point. The height of the new gate would diminish daylight to the street.

Case Officer response: This concern has been fully considered and addressed in Section 2.3.3 of this report.

6. Garages are required to be at least 2 car lengths from Shore Street.

Case Officer response: This is a Transportation Development Management requirement and only applies to the formation of a new access or garage. Although this is a new garage the access and existing use of the area as a garage site has been established.

7. Proposed porch will restrict access for emergency services and repair to neighbouring properties and may trap a small child.

Case Officer response: This is not a material consideration in the assessment of this proposal. This concern has been fully considered and addressed in Section 2.3.2 of this report.

8. Loss of view with the increase in height of the gates and there is no requirement to increase the height.

Case Officer response: This concern has been fully considered and addressed in Section 2.3.2 of this report.

9. Safety issues with the amount of glazing along shoreline and persistent strong winds. Can the foundations support the additional weight of the extension? A previous proposal was refused. The use of the studio as a quiet space and internal lay of the dwellinghouse.

Case Officer response. These are not material considerations in the assessment of this proposal. Each application is dealt with in its own merits and how the interior and layout of a home is used for family living is used is not relevant to this proposal.

10. Fire hazard with timber structure and noise issues with roof materials when raining.

Case Officer response: This is a Building Standard regulation and not a material consideration in the assessment of this proposal.

11. Conflicts with the General Permitted Development Order in that the footprint is greater than the existing garage and shed. Contrary to the Local Plan/Structure Plan.

Case Officer response: It is acceptable for a proposal to increase the footprint of an existing development, therefore, the proposal does not conflict with the General Permitted Development Order, it only confirms planning permission is required.

12. Neighbour notification issues and Covid-19 restrictions have restricted owner's opportunity to comment.

Case Officer response: The correct neighbours have been notified and this Planning Authority is continuing to work within the normal perimeters available during lockdown with neighbour's rights addressed as normal.

The agent has submitted a supporting statement and design statement with regard to this proposal which highlights and justifies the proposal and concerns of the objectors as follows:

1. The scale of the building is one of the smallest buildings on Shore Street with good design and scale in terms of contemporary architecture with appropriate good quality finishing materials. The proposal will upgrade the property to enhance the local area and fit better than the existing style of the property with a design which is sympathetic and harmonious to its surrounds.
2. The use and colour of the timber cladding is wholly encouraged by professional bodies, scientists, architects, contractors and environmentalists everywhere. Timber cladding is a popular choice in Scotland and Scandinavian countries to help to protect the building's external walls.
3. The agent has confirmed that the studio, garage and dwellinghouse would only be for ancillary accommodation to a private dwellinghouse only.
4. The increase in the height of the gate is to improve the privacy of the owners of the property and not to impact on loss of views to neighbours.
5. Amended plans have been submitted to address the concerns of the objectors in terms of the block plan, daylight/sunlight and rooflights.
6. Fife Council's Built Heritage and Historic Environment Scotland support of the proposal and no objections lodged by relevant Community Councils.
7. No impact to existing parking within street and adequate parking provision within the site.
8. The Cellardyke Conservation Area Appraisal and Management Plan was a helpful and interesting reference during the development of the proposal.

Case Officer response: These issues have all been taken into consideration and assessed within Sections 2.3.2, 2.3.3 2.4.4, 2.4.5 and 2.5.2 of this report and in the processing of this planning application.

## **CONCLUSIONS**

The proposal is considered to be acceptable in meeting the terms of National Guidance, Local Development Plan, Fife Council Planning Customer Guidelines and relevant Cellardyke Conservation Area Appraisal and Management Plan 2015. The proposal is compatible with its surrounds in terms of land use, design, scale and finishing materials and would not cause any

detrimental impact on the surrounding properties, residential amenity and the character and appearance of the Cellardyke Conservation Area.

## **RECOMMENDATION**

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

1. FOR THE AVOIDANCE OF DOUBT, the two storey garage and studio hereby approved shall only be used for domestic purposes which are incidental to the enjoyment of the dwellinghouse with no trade, commercial or business use carried out therefrom. Furthermore, the garage and studio shall not be sold, let or rented or otherwise disposed of other than as part of the dwellinghouse on site.

Reason: In order to retain full control of the development and to avoid the creation of an additional permanent dwellinghouse.

2. The new timber gates must open inwards into the site and not open out into public areas.

Reason: In the interests of road and pedestrian safety.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

### National Guidance

Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997  
Historic Environment Policy for Scotland (April, 2019)  
Scottish Planning Policy (Revised 2020) (Valuing the Historic Environment)  
Historic Environment Scotland's Managing Change in the Historic Environment - Extensions  
Historic Environment Scotland's New Design in Historic Settings

### Development Plan

Adopted FIFEplan Local Development Plan 2017  
Fife Council's Making Fife's Places - Supplementary Guidance (2018)  
Fife Council's Making Fife's Places - Transportation Development Guidelines (2018)

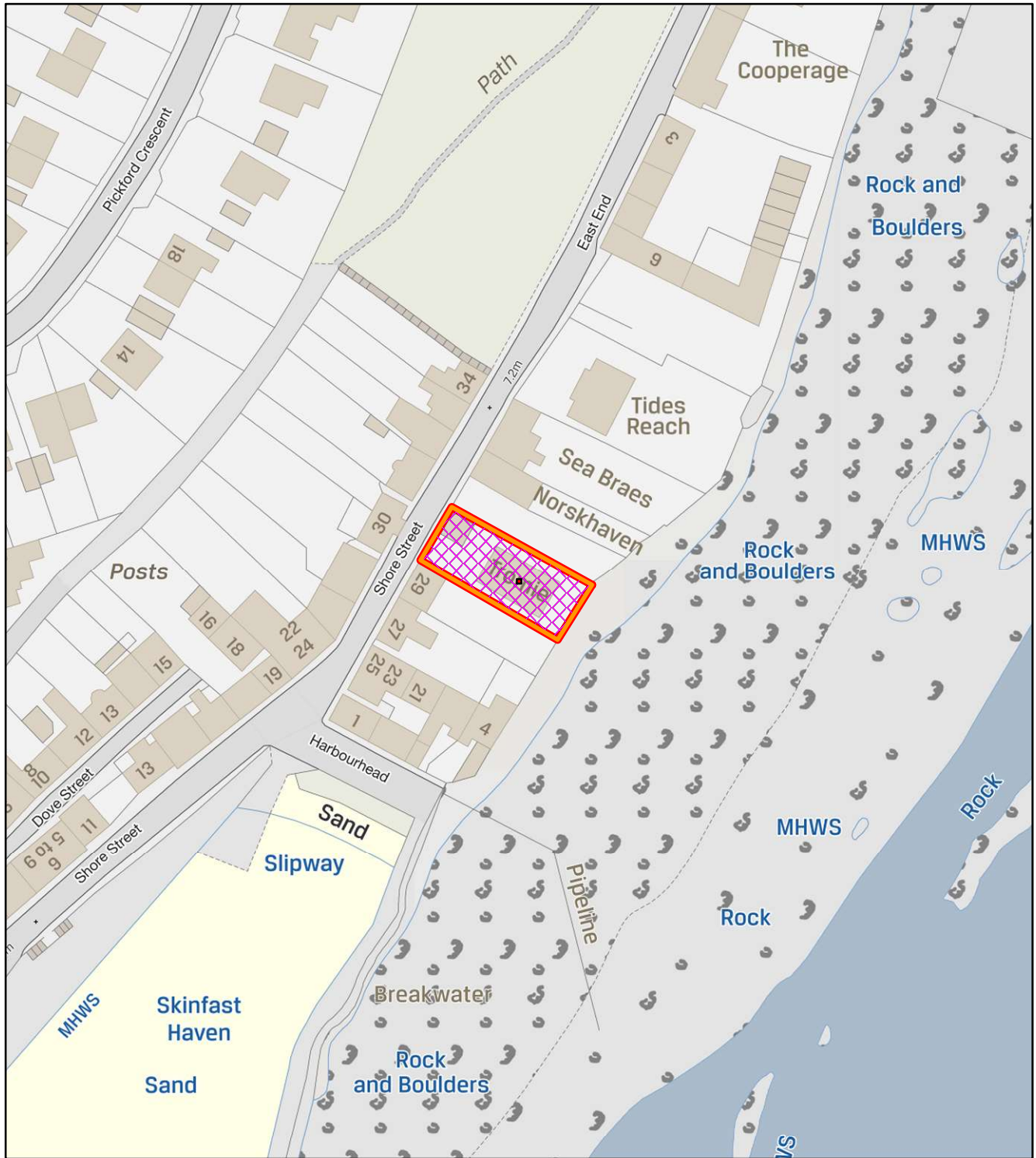
### Other Guidance

Fife Council's Planning Customer Guidelines - Garden Ground  
Fife Council's Planning Customer Guidelines - Home Extensions (including garages and conservatories)  
Fife Council's Planning Customer Guidelines - Daylight and Sunlight  
Fife Council's Planning Customer Guidelines - Windows in Listed Buildings and Conservation Areas  
Fife Council's Planning Customer Guidelines - Dormer Extensions  
Fife Council's Cellardyke Conservation Area Appraisal and Management Plan 2015

Report prepared by Fiona Kirk, Planning Assistant and Case Officer  
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 19/1/21.  
Date Printed 19/01/2021

# 20/02824/FULL

## Tromie Shore Street Cellardyke Anstruther



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<b>Legend</b>			
	Application Boundary		

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