

## Central and West Planning Committee

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



Wednesday, 17th March, 2021 - 2.00 p.m.

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### AGENDA

Page Nos.

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

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

**3. MINUTE** – Minute of meeting of Central and West Planning Committee of 17<sup>th</sup> February, 2021. 3 - 4

**4. 19/03653/FULL - VIEWFORTH HIGH SCHOOL, KIRKCALDY**

Erection of 73 dwellings as well as associated works including: construction of access, roads and parking; drainage; landscaping and erection of walling and fencing. 5 - 45

**5. 19/02406/FULL - INVERKEITHING PRIMARY SCHOOL, INVERKEITHING**

Erection of 28 affordable dwellinghouses (demolition of existing buildings), including associated access, landscaping and infrastructure. 46 - 72

**6. 19/02399/LBC - INVERKEITHING PRIMARY SCHOOL, INVERKEITHING**

Listed Building Consent for demolition of former school buildings. 73 - 83

**7. 20/02715/FULL - 40 LIBERTON DRIVE, GLENROTHES**

Erection of domestic outbuilding to side of dwellinghouse (retrospective). 84 - 88

**8. 20/02984/FULL - STEPHEN MEMORIAL HALL, CULROSS**

Change of use from community centre (Class 10) to dwellinghouse (Class 9) and external alterations including installation of replacement glazing. 89 - 98

**9. 20/02985/LBC - STEPHEN MEMORIAL HALL, CULROSS**

Listed Building Consent for internal and external alterations including installation of replacement glazing. 99 - 104

**10./**

**10. 20/00215/FULL - DUNEARN FARM, BURNTISLAND**

Erection of dwellinghouse, formation of hardstanding and associated vehicular access.

105 - 121

**11. APPLICATIONS FOR PLANNING PERMISSIONS, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS**

List of applications dealt with under delegated powers for the period 25<sup>th</sup> January, 2021 to 21<sup>st</sup> February, 2021.

**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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10th March, 2021

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

**17th February, 2021**

**2.00 p.m. – 2.25 p.m.**

**PRESENT:** Councillors Alice McGarry (Convener), David Alexander, Alistair Bain, John Beare, Bobby Clelland, Dave Coleman, Derek Glen, Mick Green, Zoe Hisbent, Gordon Langlands, Helen Law, Mino Manekshaw, Derek Noble, Ross Paterson and Andrew Verrecchia.

**ATTENDING:** Mark Barrett, Lead Officer Transportation Development Management (South Fife), Alastair Hamilton, Service Manager - Development Management and Scott Simpson, Planner - Development Management (South Section), Economy, Planning & Employability Services; Mary McLean, Legal Team Manager (Planning, Property & Contracts) and Emma Whyte, Committee Officer, Legal & Democratic Services.

**104. DECLARATIONS OF INTEREST**

No declarations of interest were submitted in terms of Standing Order No. 7.1.

**105. MINUTE**

The Committee considered the minute of the Central and West Planning Committee of 20th January, 2021.

**Decision**

The Committee agreed to approve the minute.

**106. 20/02126/FULL - 18-20 ELPHINSTONE STREET, KINCARDINE**

The Committee considered a report by the Head of Planning relating to an application for the change of use of part of bakery (Class 1) to hot food takeaway (Sui Generis) including installation of flues to side and doors to front, side and rear.

**Decision**

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

**107. 20/02872/FULL - 31 PRIORWOOD DRIVE, DUNFERMLINE**

The Committee considered a report by the Head of Planning relating to an application for the erection of a domestic garage to front of dwellinghouse.

**Decision**

The/

## **2021 CWPC 51**

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

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

#### **Decision**

The Committee agreed to note the list of applications.

**ITEM NO: 4**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 19/03653/FULL**

**SITE ADDRESS: VIEWFORTH HIGH SCHOOL LOUGHBOROUGH ROAD  
KIRKCALDY**

**PROPOSAL : ERECTION OF 73 DWELLINGS AS WELL AS ASSOCIATED  
WORKS INCLUDING: CONSTRUCTION OF ACCESS, ROADS  
AND PARKING; DRAINAGE; LANDSCAPING AND ERECTION  
OF WALLING AND FENCING**

**APPLICANT: WHITEBURN VIEWFORTH LLP  
CLOCK TOWER 1 JACKSON'S ENTRY EDINBURGH**

**WARD NO: W5R12  
Kirkcaldy East**

**CASE OFFICER: Natasha Cockburn**

**DATE 19/02/2020  
REGISTERED:**

#### **REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The proposed development comprises more than 50 residential units and therefore, is classified as a Major Development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

#### **SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional approval requiring a 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 comprises the site of the former Viewforth High School, which was moved to new facilities on Windmill Road in 2016. The majority of the school buildings have been demolished. The site originally formed the grounds of Eastbank House which was built in 1870. Eastbank House and stables are located to the west side of the site. The application site includes the B listed stables and washroom, which formed ancillary accommodation for Eastbank House. Eastbank House itself is located outwith the site boundary. These buildings are all Category B Listed. The site is surrounded by a stone wall, including gate piers – all of which are B Listed along with the Eastbank House buildings. The main school building to the north of the site was erected in 1908 with a number of later additions and extensions to the school to meet the expanding needs of the school. Following a fire in August 2020, the main school building, which was previously C Listed, has been de-listed and is set to be demolished. It currently remains on the site, but it is severely fire damaged. The west side of the site comprises a Blaise pitch, associated with the former school use. There is a scattering of trees in the centre of the site, to the south and to the northern boundaries.

1.1.2 The site is located in north east Kirkcaldy in a largely residential area. The site is bounded by the mainline railway track to the south, Loughborough Road to the north, Viewforth Gardens to the east and existing dwellings to the west. In terms of general topography, the land across the site generally falls from north-east to south-west at a moderately steep gradient, with steep embankments at the South boundary, falling away from the site, and existing properties to the North, falling into the site. Existing combined sewers are shown to the north and east of the site on Loughborough Road and Viewforth Gardens. Access into the site is currently taken from Loughborough Road to the north.

1.1.3 The site is located within the settlement boundary of Kirkcaldy, as defined by the adopted FIFEplan Local Development Plan 2017. The site is a defined School or Further Education Campus, due to its former use as Viewforth High School, which was relocated in 2016.

1.1.4 When this planning application was originally submitted, the main school building was Category C Listed. However, following a fire in August 2020, the listing was reviewed by Historic Environment Scotland (HES) and it was determined that, due to the damage caused by the fire, the building no longer meets the criteria for listing, and it was officially de-listed on 29<sup>th</sup> January 2021. This means that the main school building is not listed. However, Eastbank House, its ancillary buildings and the boundary walls and gate piers that surround the site, remain B Listed.

1.1.5 The applicant amended the site boundary in October 2020, to remove the main school building from the application site, to await the outcome of further feasibility and survey work that was required to be undertaken to establish the condition of the listed building. As mentioned above, the school building has since been de-listed, so circumstances have since changed.

However it is still the intention that a further planning application would be submitted for this part of the site, separately. A separate Listed Building Consent application would also be required for the proposed works to the Eastbank House buildings to form the access into the site, along with the proposed works to the listed walls and gate piers.

1.1.6 The site falls outwith any sensitive areas of statutory protection in terms of nature conservation. The application site is not within a flood risk area.

## 1.2 Proposal

1.2.1 The application proposes the erection of 73 residential properties. The units would be a mix of terraced, semi-detached and detached houses, and flats, including 15 affordable units which would all be located to the south east of the site. A SUDS basin would be formed to the south west corner of the site – this is proposed to be a dry basin which would be landscaped and useable space. Car parking would be formed as a mix of parking courts, frontage parking and in-curtilage. An area of open space is proposed within the centre of the site. Due to the noise impact from the railway line, 2.3m high acoustic barriers would be formed behind the properties along the south of the site, adjacent to the railway line.

1.2.2 Access is proposed to be taken from Loughborough Road to the north, where a new bell mouth junction would be formed with new low-level sandstone walls with metal railings above and new gate piers at each site, to match existing. These works would require alterations to the listed walls and Eastbank House buildings, which would require a separate Listed Building Consent application before fully consented.

1.2.3 The proposed buildings themselves would comprise of a contemporary design with high quality materials. The materials would comprise of a mix of grey and black concrete roof tiles, white render, buff brick, black composite cladding, dark grey upvc windows and doors and composite timber entrance doors. The majority of the properties would be two storeys in height with pitched roofs, however the proposed three storey flatted block in the centre of the site would have a flat roof containing solar panels, and balconies on the corners. The building would comprise of buff brickwork with elements of the aforementioned materials included.

## 1.3 Planning History

1.3.1 16/01841/LBC - Listed building consent was approved in July 2016 for the partial demolition of the main school building and associated external alterations to make good the exposed walls, as well as the demolition of various other free-standing buildings within the school grounds. These buildings have since been demolished.

19/03660/LBC – There is currently a live Listed Building Consent application for the partial demolition of the school, installation of replacement roof, installation of windows and doors, internal alterations, alterations to former washhouse and stable outbuildings (partial demolition) and alterations to boundary walls. This application has not yet been determined, because the main school building encountered a fire and has recently been de-listed by Historic Environment Scotland. However, should this planning application be approved, a condition of the consent would require the submission of a further Listed Building Consent application for the works to the boundary walls, gate piers and former washhouse and stable buildings because they form part of the access into the site and have not been de-listed.

## 1.4 Application Process

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 submitted a Proposal of Application Notice on 6<sup>th</sup> August 2019 (19/02204/PAN). The applicant has carried out the required pre-application consultation through holding two public information events. The first event was held on 22<sup>nd</sup> August 2019 from 3.30pm to 7.30pm at Strathearn Hotel, Kirkcaldy. The second event was held on 19<sup>th</sup> September from 3.30pm to 7.30pm at Strathearn Hotel, Kirkcaldy. The public events were advertised in The Courier one week prior to each event. A Pre-Application Consultation Report outlining comments made by the public from both events has been submitted as part of this application. The manner of the consultation exercise, including the notification and media advertisement process, complied with the relevant legislation.

1.4.2 This application was advertised in the local press on 30<sup>th</sup> January 2020 for Neighbour Notification purposes and being potentially contrary to the development plan. The application has also been screened to assess the need for an Environmental Impact Assessment where it was concluded that this was not required.

## 2.0 EXECUTIVE SUMMARY

2.1 Having regard to the provisions of the development plan, and the concerns raised during the course of the planning application process, the main issues in the consideration of this application for planning permission are:

- Principle of Development
- Design/Visual Impact
- Transportation/Road Safety
- Drainage
- Education

2.2 The proposal is considered to meet the locational requirements of Policy 1 of FIFEplan (2017), with the development comprising of the erection of residential development on a previously developed site, within the settlement boundary of Kirkcaldy. The site is allocated for Education use, however this allocation is based on the historic use of the site for a high school. In this regard, a new purpose built high school (Windmill Campus) was opened in Kirkcaldy in 2016 and this replaces the former Viewforth High School, which was no longer fit for purpose. Given this position, it is considered that an alternative use needs to be found to secure the long-term future of this brownfield site. As the site is located within an established residential area it is considered that the proposed development would be an appropriate use for this brownfield site and this would override the historic Education allocation on the site, which has already been replaced elsewhere. Overall, the proposal is considered to comply with the Development Plan in principle.

2.3 The proposed development would be located on a previously developed site within the old grounds of the school. The surrounding area is residential, and there is a railway line to the rear boundary of the site. The boundary walls and small buildings to the front of the site are B Listed, as is Eastbank House which is immediately adjacent to the application site but not included within the site boundary. The proposals are a high design standard and use contemporary materials which would complement the historic character of the site and surrounding listed assets. The massing and scale reflects the surrounding area and the site itself, and the use of active frontages, complementary but simple materials, house types and landscaping would avoid any significant impacts on the setting of the heritage assets of the site. The design of the proposed development



is therefore supported, with no adverse visual amenity concerns raised. Overall, the proposal complies with policies 1, 10 and 14 of the Adopted FIFEplan (2017) in this regard.

2.4 The development is not considered to raise any adverse road safety concerns. A Transport Assessment (TA) has been submitted in support of the proposed development, which shows how the site is being developed to encourage the use of sustainable modes of transport and how it would fully integrate with the existing community. An assessment of the surrounding junctions have been carried out and it is concluded that there would be no adverse impact on the surrounding transport network as a result of the proposals. In terms of parking, the site would accommodate sufficient parking spaces, subject to some minor amendments covered by condition, and the proposed access arrangements are considered to be acceptable. The TA has carried out an assessment of the walking routes to Sinclairtown Primary School and the Windmill Campus and concludes that all walking routes are within 20mph speed limits with ample safe crossing points. The proposal is considered to comply with the requirements of SPP (2020), Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

2.5 In terms of drainage, various different options have been explored to accommodate the site and Scottish Water's requirements in terms of connection into the public sewer network. With the agreement of Scottish Water, the applicant is proposing an overflow from the SUDS to the west of the site, into third party land. In order to secure this, a wayleave would be required. Scottish Water have advised that they will adopt the SUDS basin in this instance and have accepted a waiver in principle, on the provision that there is no downstream impact on the network. However, this can only be carried out and finalised at the technical stage of the process. This would involve a re-run of the Development Impact Assessment to model the downstream impact of the overflow. Fife Council Flooding, Shoreline and Harbours Officers have reviewed the information submitted and have advised that they have no objections to the proposals in terms of drainage, subject to the impact of the overflow on the network being reviewed and approved by Scottish Water to avoid any flooding or capacity issues and the wayleave for the overflow pipe is secured. Given the overflow pipe proposed is not within the site boundary, a planning condition is suggested, which would require the applicant to submit this information before any works commence. Fife Council Structural Services Officers have confirmed their satisfaction of the proposed drainage arrangements, content that the proposed development would not increase the risk of flooding in the surrounding area. The proposal is considered to comply with the requirements of SPP (2020), Policies 1, 3 and 12 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

2.6 Fife Council Education Service confirmed that based on the available information, and proposed house completion rates, this development would contribute towards a critical capacity risk at Sinclairtown Primary School. A feasibility study was carried out at Sinclairtown Primary School to explore the options for providing accommodation for a temporary period, to create capacity for pupils from new housing developments, including this site and the Strategic Development Area (SDA), until the new primary school is delivered for the SDA. Based on the indicative programme, Sinclairtown Primary School will require additional accommodation as a result of this new housing, up to a total of 20 classes from 2022 until 2026/27. The required accommodation would consist of 3 x double Temporary Modular Accommodation (TMA) units, with toilet/cloakroom facilities, to be situated in the grounds of Sinclairtown Primary School. The total cost of this work is estimated at £610,400 and should be funded in part from this development by August 2022. The applicant has agreed to this contribution. Subject to this payment, the proposal is considered to comply with the requirements of SPP (2020), Policies 1, 3 and 4 of the

Adopted FIFEplan Local Development Plan (2017) and The Planning Obligations Supplementary Guidance (2017).

2.7 Taking all the relevant issues and concerns into account, the proposal is considered acceptable as the application is in accordance with the Development Plan and National Policy and Guidance.

### 3.0 PLANNING ASSESSMENT

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

- Principle of Development
- Design/Visual Impact
- Built Heritage
- Residential Amenity – Noise
- Residential Amenity – Privacy and Daylight/Sunlight and Garden Ground
- Transportation/Road Safety
- Flooding and Drainage
- Natural Heritage
- Open Space and Play Provision
- Land Contamination
- Affordable Housing
- Education
- Developer Contributions
- Sustainable Development

#### 3.2 Principle of Development

3.2.1 The Scottish Government's Scottish Planning Policy (SPP) (2020) and Policy 1 of the Adopted FIFEplan Local Development Plan (2017) apply with regard to the principle of development for this proposal.

3.2.2 SPP (2020) (paragraph 32) considers that planning applications shall be determined in accordance with the development plan unless material considerations indicate otherwise. Proposals that accord with development plans should be considered acceptable in principle and consideration should focus on the detailed matters arising.

3.2.3 SESplan Policy 5: Housing sets the housing land requirement for the Edinburgh City Region, which was amended by Supplementary Guidance. This Guidance also established in which constituent local authority the housing land should be met. In Fife, SESplan directs the Local Development Plan to allocate land for 17,140 homes in the period from 2009 - 2019 and 7,430 for 2019 - 2024. The Fife Council Housing Land Audit 2019 (May 2020) confirms that there will be an estimated surplus of 362 private market units and 203 affordable units within the Kirkcaldy, Glenrothes and Central Fife Housing Market Area for the five-year period between 2019 and 2024 therefore, Fife Council's position is that there is a five-year effective land supply.

3.2.4 Objection comments are concerned that there are already 2,000 houses planned on the outskirts of the town and they have the necessary amenities required but this location does not. The 2,000 houses referred to are part of planned strategic growth set out within the Local Development Plan and, given the scale of the development, includes additional amenities as part of the development. This proposal is for the development of a brownfield site which would

otherwise lie vacant, and in accordance with national and local policy, as described further below, such a development is supported as sustainable development, bringing an otherwise vacant site back into use. The site is within a residential area, where there are various amenities already in the vicinity of the site used by the surrounding residential area.

3.2.5 The Spatial Strategy of FIFEplan supports growth in the economy of Fife, balanced with the need to protect Fife's outstanding cultural and natural assets. Policy 1 of FIFEplan (2017) sets out the Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts. Such development proposals must meet one of the points in Part A and conform to all applicable requirements in Parts B and C.

3.2.6 Part A of this Policy sets out that the principle of development will be supported if it is either:  
a) within a defined settlement boundary and compliant with the policies for the location; or  
b) in a location where the proposed use is supported by the LDP.

3.2.7 Part B of Policy 1 states that development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant:

1. Mitigate against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure.
8. Avoid flooding and impacts on the water environment.
10. Safeguard the characteristics of the historic environment, including archaeology.

3.2.8 Part C sets out that all development proposals must be supported by the following information to demonstrate compliance with the terms of the development plan and other material considerations.

1. Meet the requirements for affordable housing and Houses in Multiple Occupation
2. Provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal;
3. Provide measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland;
4. Provide green infrastructure as required in settlement proposals and identified in the green network map;
5. Provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site or flood assessments;
6. Meet the requirements of any design briefs or development frameworks prepared or required for the site;
7. Provide a layout and design that demonstrates adherence to the six qualities of successful places as set out in the Government's Creating Places policy;
8. Provide for energy conservation and generation in the layout and design; and
9. Contribute to achieving the area's full potential for electricity and heat from renewable sources, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.

3.2.9 FIFEplan Policy 2: Homes promotes the development of new homes to meet strategic land requirements and maintain a five year supply of effective housing land at all times. To achieve this objective, Policy 2 supports housing proposals (a) on sites allocated for housing in the Plan and (b) on other sites provided the proposal is compliant with the policies for the location.

3.2.10 The proposed development is for housing on a brownfield site within the settlement boundary of Kirkcaldy. The proposal therefore complies with Policy 1 Part A, and Policy 2 (b)

subject to being compliant with the policies for the location. However, the site is allocated for Education use, which is based on the historic use of the site for a high school. In this regard, a new purpose built high school (Windmill Campus) was opened in Kirkcaldy in 2016 and this replaces the former Viewforth High School, which was no longer fit for purpose. Given this position, it is considered that an alternative use needs to be found to secure the long-term future of this brownfield site. As the site is located within an established residential area it is considered that the proposed development would be an appropriate use for this brownfield site. Furthermore, Education Services have confirmed that the site is no longer required for education purposes.

3.2.11 Therefore, whilst the proposal would not comply with the land use designation in the Development Plan it is considered in this instance, for the reasons detailed above, that the proposal is acceptable in principle. The support for the principle of this development is however reliant on the applicant demonstrating compliance with the impact policies of the development plan and other material considerations; set out in Parts B and C of FIFEplan (2017) Policy 1 and the subject policies of FIFEplan (2017) and SPP (2020).

### 3.3 Design/Visual Impact

3.3.1 Scottish Planning Policy (2020), Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017), the Making Fife's Places Supplementary Guidance Document (2018) and Historic Environment Scotland (HES) Historic Environment Policy for Scotland (May 2019) apply with regard to this proposal.

3.3.2 SPP (2020) sets out that planning should support developments that are designed to a high-quality and demonstrate the six qualities of successful place. SPP (2020) additionally advises that the design, materials, scale and siting of new development should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and to ensure that its special characteristics are protected, conserved or enhanced. It 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.

3.3.3 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Additionally, Policy 10 of FIFEplan (2017) advises that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported, whilst also setting out that developments are expected to achieve the six qualities of successful places; distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and easy to move around and beyond.

3.3.4 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. It additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how developments proposals can be evaluated to ensure compliance with the six qualities of successful places. The Supplementary Guidance contains a site appraisal matrix and its use is encouraged to assist in evaluating the design of a proposal and to secure a positive contribution to the quality the built environment in Fife.

3.3.5 HES Historic Environment Policy for Scotland (May 2019) advises that new work, including alterations to historic buildings shall enhance those properties' surroundings. This document, in essence, is a good practice guide for developments involving the historic environment, including conservation areas.

3.3.6 A Design and Access Statement (DAS) has been submitted as part of the planning application, which sets out the design concept for the site. Contextual elevations and 3D renders have also been provided. The DAS is considered to provide a robust commentary in relation to the Evaluation Criteria within Making Fife's Places Supplementary Guidance (2018) that demonstrates consistency with key design and placemaking principles. The submitted DAS considers both vehicular and pedestrian movements and access, as well as providing a detailed rationale for the design, layout and massing of the proposed development, including the proposed use of materials and its historic setting.

3.3.7 Objection comments have been received which outline concerns that the design of the proposed buildings would not fit in with the character of the existing buildings within the surrounding area, in terms of their materials and also the height and scale of the buildings. Some objectors consider that the houses should be stone to match surrounding properties. In this regard, it is considered that the proposed materials are of high quality, and would create a contemporary development with a distinctive sense of place, as expected by Making Fife's Places. The proposed materials, whilst not mimicking the historic environment through the use of stone, takes reference from the palette of colours and textures of the surrounding materials by using buff brick, and dark roofs as a contemporary interpretation of the surrounding use of stone and slate. This is considered to be an appropriate response to the surrounding area, and ensures that the development fits in well with its surroundings, whilst still providing a distinctive, well designed, development. In terms of the scale of the buildings, the proposals have been developed with the surrounding street pattern and height and scale of the surrounding buildings in mind, also bearing in mind the scale of the buildings that previously sat on this site. It is considered that the proposed two storey detached, semi-detached and terraced dwellings are in keeping with the existing properties in the immediate surrounding area. The proposed three storey apartment block would remain subservient to the existing school building which partially remains on the site, and the use of a flat roof has ensured that the scale is kept as minimal as possible. Further to this, the location of the three storey building has been selected in order to use the topography of the site to further minimise its height. The existing surrounding buildings are a mix of single and two storeys, with much of the buildings sitting high above ground level. It is considered that the proposals respond well to this setting and would not be considered to be overbearing within the surrounding context.

3.3.8 An objection comment has expressed concern that the proposed acoustic fence would be visually intrusive. The proposed acoustic fence would be 2.3m high, which is around the same height as a typical garden fence and therefore not considered to be significantly intrusive. The location of the fence would be to the south of the site, adjacent to the railway line. The fence would not be located immediately on the railway line boundary, therefore some vegetation would remain, which would soften the appearance of the fence as viewed from the south.

3.3.9 Objectors have concern that the proposed houses would face out towards Viewforth Gardens. They have queried why they cannot face inwards, towards the development site and retain the boundary walls and railings. In response to this, one of the most important design considerations of a development is to ensure that the proposals integrate with the surrounding area, creating an active frontage onto the street. If the properties were turned inwards, it would create a blank frontage onto the existing surrounding streets which would be unsafe and undesirable, and not in accordance with the 6 qualities of successful places set out within Making

Fifes Places. In this regard, the removal of parts of the boundary walls and railings is justified and weighed up against the provision of a good layout, is accepted.

3.3.10 Concern was previously raised on the visual impact of car parking when entering the site from Loughborough Road. As a result, the applicant has removed half of the parking areas and replaced with a soft landscaped area. This is welcomed, and it is considered that this soft landscaped area should contain a number of trees to provide verticality to break up the view of the remaining car park and the gable building end. The enclosure of the car park by reclaimed sandstone walling would enhance the entrance and help screen the remaining car parking further. This aspect is more relevant given the uncertainty over the future of the main school building site adjacent. The prospect, with the current application as it stands, is that this part of the site entrance, and the development/landscaping as proposed, will take on a significant entrance role in terms of its visual impact and should be addressed accordingly. A condition is recommended, which covers this requirement.

3.3.11 It is noted that privacy strips are included to define the front gardens, which is a positive approach. A condition is recommended, to ensure that the materials of these boundary walls are appropriate. The rear boundary treatments serving the houses that face onto the parking areas are important, given they are semi-public spaces. In this regard, the applicant has agreed to submit further details of these proposed boundary treatments through condition. These would be high quality boundary treatments or timber fencing screened with native hedging, and not solely timber fencing. The applicant has agreed to a condition setting out these requirements, and the areas where timber fencing is proposed within public areas would not be approved through this application.

3.3.12 In relation to the affordable housing area to the south east of the site, the landscaping to the north of the affordable housing should be more robust so that this forms the visual focus when entering the site from the north, rather than the car parking to the front of the affordable housing. This has not yet been demonstrated, however the applicant has agreed that this could be determined and agreed through a planning condition. A robust group of native species semi-mature trees would resolve this matter. The current layout shows the provision of two trees, which is not considered visually strong enough to deliver the impact required in this prominent location.

3.3.13 A large area of greenspace is located to the western edge of the site. The boundary treatment to the south and west of the site would therefore require to be carefully considered given its visual prominence and again, timber fencing would not be visually appropriate. More robust or visually more appropriate treatment such as block/rendered wall, and/or a living wall would be considered necessary for this location. The applicant has agreed to this, therefore a condition is proposed requiring the submission of these details.

3.3.14 Generally, the development pattern and street layout is positive and will create an interesting series of streets and spaces across the site. The general house design and scale, with the gable ends to the street and a contemporary feel to the architecture, is considered to complement, and not compete with, the former listed buildings and make a positive contribution to the overall character and sense of place. Across the site, the general building lines are close to the pavement/roadside and this helps to enclose and define key spaces and junctures. Car parking is served by a range of on street, courtyard and side of house parking, which, generally, avoids a visual predominance of parked cars across the development and is welcomed.

3.3.15 In conclusion, the proposal offers a high quality development which demonstrates the six qualities of successful places and would have a positive impact on visual amenity. The development complies with FIFEplan Policies 10 and 14 subject to the noted conditions.

### 3.4 Built Heritage

3.4.1 Scottish Planning Policy states that positive change should be enabled 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. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where listed building consent is sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.

3.4.2 SESplan Policy 1B seeks to ensure that there are no significant adverse impacts on the integrity of international and national built or cultural heritage sites including listed buildings.

3.4.3 The Historic Environment Policy for Scotland Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Policy HEP5 states that decisions affecting the historic environment should contribute to the sustainable development of communities and places.

3.4.4 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 listed buildings or their setting, including structures or features of special architectural or historic interest. For all historic buildings support will only be given if, allowing for any possible mitigating works, there is no adverse impact on the special architectural or historic interest of the building.

3.4.5 Objections have raised concern that the demolition of the historic buildings will negatively affect the historic environment and omitting the listed building from the application leaves little scope for future restoration of the buildings and will create eyesores. They consider that the development should prioritise the future of the historic buildings. When originally submitted, the site contained a C Listed Building, with proposals to convert into residential accommodation. The building has since succumbed to a fire, and the building has been de-listed by Historic Environment Scotland. There is also a listed building (Eastbank House) adjacent to the site, which was never within the site boundary of this application. The applicant does not own Eastbank House, and the Planning Authority is not in a position to enforce the applicant to include this building within their proposals, so this building, whilst acknowledged and agreed that it is an important listed asset, is not part of the proposals within this planning application. The setting of the building will however be considered. However, there are B Listed assets remaining on the site, including a boundary wall, which runs along the frontage, eastern boundary and western boundary of the site. The boundary walls include gatepiers which are included within the listing. To the north elevation, is a former stable and washhouse which was associated with the main Eastbank House building. The stable and washhouse are included within the site boundary, however Eastbank

House is not. The boundary walls, gatepiers, steps and terraces are described as coped, rock-faced ashlar boundary walls with semi circular-coped quadrant walls, pedestrian and carriage openings with square-section ashlar gatepiers with rock-faced plinths, moulded stop-chamfered arrises, battered pyramidal coping and ball finials. Terraces to the south with 2 flights of stone steps and flanking dwarf walls.

3.4.6 The proposals include alterations, including partial demolition of the stable building to the north of the site, to enable an entrance to be formed into the site. Also included, is the proposal for new site entrance piers to the existing gate piers and new gate piers to the east side of the site. Parts of the wall along the east would be lowered to 400mm and the existing stone cope installed at a new lower level with metal railings installed on top to match the existing site boundary. All of these works would require Listed Building Consent, before works could commence. Once a Listed Building Consent application is submitted for these works, they can be assessed fully. This is proposed as a condition of this planning permission.

3.4.7 In terms of this planning application, as mentioned above, the proposals would have an impact on the setting of Eastbank House, given its proximity to the site. There is currently a listing review in with HES for Eastbank House, and the associated buildings and walls with a target date of July 2021. At this point, they are still Category B Listed so are assessed as such.

3.4.8 It is acknowledged that the former stables and washhouse element of Eastbank House, within the application site, was a later addition to the original Eastbank House building and sits detached from the main house. The stable and washhouse originally formed part of the outhouse buildings for the Scots baronial villa, Eastbank House, originally constructed around 1870 and altered extensively in 1903. Whilst these buildings form part of the listing for the main Eastbank House, they are ancillary to the main house and it is considered that they detract from the views to the main house from Loughborough Road. Built Heritage Officers had requested that the applicant explore alternative options for the access into the site, in order to avoid alterations to these buildings. In this instance, the applicant has reduced the extent of the proposed alterations as much as possible, in order to retain as much of the historic assets as possible but whilst still providing a suitable access into the site. The remaining buildings would be retained. The existing main access to the school grounds is currently to the eastern edge of this small group of buildings and there are limited locations to create an appropriate and sufficiently wide vehicle entrance along Loughborough Road. There are limited access points around the wider site and the main access to the school site is from Loughborough Road adjacent to the ancillary buildings but in its current state, the route is inadequate to support the development and the associated transport requirements of new residential use. In order to allow refuse vehicles onto the site and to avoid the new access projecting out onto the main street, it is proposed to remove a single small section of these buildings to ease this access point without considerably altering the setting of both listed buildings. It is considered that the limited down takings to the stables and washhouse is a small change to an ancillary element that will allow the wider area and the proposed development to contribute the overall development of the brownfield site. It is noted that the above will need to be fully considered through a Listed Building Consent application, which will consider the impact of the downtakings on the listed buildings.

3.4.9 The applicant proposes to form a new stone wall at the entrance, to match the existing with matching metal railings on top. Two new entrance piers would be built in a similar style to the existing gate piers but of a larger scale more appropriate as an entry point to the site. At Viewforth Gardens, the wall would be lowered and new metal railing to match the existing would be installed to the top of the wall and sandstone gate piers will be erected at the new driveways to the properties on Viewforth Gardens. Some piers will be salvaged from the original school entrance



while others will be new to match the existing piers in matching sandstone, lime mortar and traditional stone detailing. The new railings would match those further up Viewforth Gardens in detailing, layout and materials.

3.4.10 The proposals to lower the height of boundary walling to match and to reinstate railings and move piers are welcomed. The proposed new gateposts at the entrance and railings appear sympathetic, but some additional information would be required when the Listed Building Application is submitted to ensure the stone would match existing.

3.4.11 Built Heritage Officers originally expressed concern regarding the proposed partial demolition of the ancillary building and alterations to the boundary walls. However, these concerns have now been addressed, therefore it is not considered to be of great risk to approve this planning application, prior to the Listed Building Consent application being submitted. In regards to Eastbank House, it is not considered that the proposals would significantly impact on the setting of the listed building, and Built Heritage Officers have not expressed any concern in this regard. It is considered that the proposed new buildings would be of a high architectural value, using high quality materials which would complement the surrounding historic character. The site layout, use of topography and scale of the proposed new built units would not overwhelm the existing B Listed Building and the materials are proposed to complement the existing materials, whilst still providing a contrasting, contemporary feel. As above, the historic elements remaining on the site have been carefully considered and will be fully addressed in the forthcoming Listed Building Consent application.

3.4.12 Overall, the proposals comply with FIFEplan Policy 14, SPP (2020), Historic Environment Policy for Scotland and Making Fife's Places in terms of the impact on built heritage.

### 3.5 Residential Amenity - Noise

3.5.1 Policy 10 of FIFEplan only supports development if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to noise, light, and odour pollution and other nuisances. Where potential amenity issues are identified as part of the assessment of the impact of a development proposal, the relevant mitigation measures will be required to be implemented by the developer to an agreed timetable and specification. The actions required to mitigate or avoid amenity impact will vary according to the circumstances in each case but will include measures such as landscape buffer strips between incompatible uses, separation distances, noise attenuation screens or fences, and bunding.

3.5.2 PAN 1/2011 (Planning and Noise) establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It states that it promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth. The WHO Guidelines (2015) are referred to as the standards which should be achieved for environmental noise. These include 50dB for external space with 55dB being considered an upper limit, 35dB for internal space through the day and 30dB for internal space through the night.

3.5.3 The submitted Noise Impact Assessment by RMP (dated 7<sup>th</sup> April 2020) confirmed that the primary source of noise which may impact on any future residential development on the site is rail

traffic from the railway line along the southern boundary of the site, and road traffic from Loughborough Road to the north of the site, and Viewforth Gardens to the east of the site. The assessment was carried out based on the entire site being developed, including the main school building, which is now excluded from the site boundary of this application.

3.5.4 Internally, noise levels of 30dB could be achieved at night and 35dB in the day. The night time levels could be achieved in the bedrooms by using 10mm float glass – 12mm air cavity – 6.4mm laminated glass or an acoustically equivalent glazing unit which provides a minimum RTRA of 34dB. The report recommends that the facades with this type of glazing should also be fitted with attenuated ventilation units. The daytime levels could be achieved in living spaces using standard double glazed windows consisting of 4mm glass, 12mm cavity, 4mm glass or glazing, which can be opened for ventilation.

3.5.5 For external areas the NIA predicted that 53dB would be achieved in the daytime and 47.9dB at night. As the noise levels would marginally exceed the 50dB limit in the day for the proposed external amenity areas, the NIA recommends that a 2.3 metre close boarded fence be constructed along the southern boundary with the railway line. Installation of this acoustic barrier would result in attenuation of around -10dB and would therefore achieve 43dB during the day and 37.9dB at night which sit between the lower and upper WHO and BS8233 guideline values.

3.5.6 The REHIS Briefing Note 017 Noise Guidance for New Developments advises that only in exceptional circumstances should satisfactory internal noise levels be achievable with windows closed and other means of ventilation provided. Predictions of internal noise levels within noise sensitive premises must be calculated based on an open window scenario. The degree of sound reduction afforded by a partially open window should be taken as 13dB. For the purposes of this guidance exceptional circumstances are considered to be proposals which aim to promote sustainable development and transport within the local authority area and which would provide benefits such as:

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

3.5.7 Exceptional circumstances will, therefore, generally apply only to sites, which are small to medium in scale, within urban areas. This may include sites in established residential areas; brownfield sites; town and village centres, and sites near public transport hubs.

3.5.8 The NIA was undertaken on the basis of a closed window scenario for the calculation of internal noise levels noting that PAN 1/2011 recognises that satisfactory internal noise levels with open windows may not always be achievable. The proposed development is located on a brownfield site in close proximity to Kirkcaldy Town Centre. Redevelopment of the site for residential use would have significant benefits by providing residential units close to the town centre, on a brownfield site adjacent to an existing residential area. The proposal will help in reducing urban sprawl and therefore, reduce the need to develop greenfield sites. As confirmed in the submitted Transport Assessment, the site is well located to benefit from a range of transport modes. There is a wide range of facilities within walking distance of the site. The proposal meets the exceptional circumstances criteria as a medium scale residential development within an established residential area on a brownfield site, in close proximity to the town centre and to public transport, within a residential area. It is considered that the closed window approach should be acceptable for the proposed development. The required noise levels can be met using mechanical

ventilation and the benefits of approving the application must be balanced against the use of a closed window approach.

3.5.9 Objections have been received regarding concerns with construction hours, and potential pollution and disturbance that would occur during the construction period. In this regard, a Scheme of Works can be submitted to detail how neighbouring residential properties would be protected during the construction phase. A condition has been included to ensure this. However, in terms of construction hours, as this can be achieved under the Control of Pollution Act 1974, there is no need for a planning condition in this instance.

3.5.10 The Public Protection Team raised no objection to the proposal and advised that they concur with the methodology and conclusions reached therein. The proposal would not result in any significant impacts on residential amenity in regards to noise, in accordance with FIFEplan Policy 10.

### 3.6 Residential Amenity – Privacy and Daylight/Sunlight and Garden Ground

3.6.1 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. Fife Council's guidance on Garden Ground states that back gardens must be at least nine metres long to create a private area. If two gardens back onto one another, there should be at least 18 metres between the buildings. Fife Council's Planning Customer Guideline on Minimum Distances Between Window Openings requires a distance of 18m between directly facing windows.

3.6.2 Fife Council Planning Customer Guidelines on Daylight and Sunlight sets out standards to guide the assessment of new buildings and their impact (if any) on neighbouring properties' daylight and sunlight. Guidance on Minimum Distances Between Window Openings provides an assessment framework to assess the impact of new development on the privacy of existing properties and the levels of privacy future occupiers can enjoy.

3.6.3 Fife Council's Planning Customer Guidelines on Garden Ground advises that all new detached and semi-detached dwellings should be served by a minimum of 100 square metres of private useable garden space; with 50 square metres for terrace properties; and that a building footprint to garden space ratio of 1:3 is required. Flats must be set in, or have at least 50 square metres of private garden for each flat. Garden ground provision does not include space for garages, parking or manoeuvring vehicles.

3.6.4 Objection comments note concern regarding the potential impact of the proposals on sunlight and daylight to residential properties outwith the site at Lady Nairn Avenue. In this regard, a sunpath study has been carried out. The study shows the amount of overshadowing is limited and no neighbouring properties would be significantly overshadowed by the proposals. To the south, there is a significant distance between the proposed development units and existing properties beyond the railway line, so any overshadowing that would occur, would hit the application site, or the railway line rather than residential properties.

3.6.5 Objection comments have been received outlining concerns that the proposals would impact on privacy, particularly to Lady Nairn Avenue. In regard to privacy, the nearest residential

properties are located to the north of the site at Loughborough Road and to the east of the site at Viewforth Gardens. The properties at Lady Nairn Place are slightly more distanced from the site, beyond the railway line. The closest distance between two properties would be 38m, which is well above the 18m distance recommended within the guidance. Between the proposed units facing onto Viewforth Gardens, there would be a distance of over 20m, which is above the 18m recommended within the guidance. The distance between the rear elevations of the proposed properties within the site and existing properties outwith the site to the north, would be between 21m and 35m, thereby exceeding the separation distance set out within the guidance. The length of the proposed gardens would measure 8m or above along the southern boundary, and they would also contain rear boundaries of 2m high or above. To the north, the garden lengths would exceed 10m and therefore not create any significant privacy issues to the existing properties to the north.

3.6.6 Lastly, with regard to garden ground provision, 18 of the houses have an area of less than 100sqm as set out within the guidance. Whilst this does not meet current recommendations, given the constraints of the site, including the unusual shape and topography, it would not be possible to achieve an acceptable layout which meets the requirements of Making Fife's places and ensures compliance with the six qualities of successful places. The ratio of building footprint to land area is 1:4.5 and the submission includes a figure ground diagram on page 29 of the DAS which demonstrates that the density of the proposals is in keeping with the immediate context of the surrounding area. Additionally, there is a good amount of open space being provided on the site, in three different locations, the site is within close proximity to a large area of open space outwith the site and is near to the town centre. Therefore, in the interest of the provision of a good quality layout, and taking account of the surrounding context and the fact that the site would be developing a previously developed site within the settlement boundary, it is considered appropriate to relax the above guidelines. The proposed development is therefore considered to be acceptable with regard to garden ground provision.

3.6.7 Overall, all distances exceed the minimum 18m distance required by Fife Council guidelines. The proposal would not result in any significant impacts on the privacy or daylight/ sunlight reaching adjacent residential properties and the garden ground proposed is considered to be acceptable, all in accord with FIFEplan Policy 10.

### 3.7 Transportation/Road Safety

3.7.1 SPP (2014), Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to this proposal.

3.7.2 The national context for the assessment of the impact of new developments on transportation infrastructure is set out in SPP (A connected Place). The SPP (Promoting Sustainable Transport and Active Travel) indicates that the planning system should support patterns of development which optimise the use of existing infrastructure and reduce the need to travel. The overarching aim of this document is to encourage a shift to more sustainable forms of transport and reduce the reliance on the car. Planning permission should also be resisted if the development would have a significant impact on the strategic road network. The design of all new development should follow the place-making approach set out in the SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.

3.7.3 Policy 1 of FIFEplan states that development proposals 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 FIFEplan advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Transportation Development Guidelines set out the minimum parking standards for developments, as well as standards for roads developments.

3.7.4 A Transport Appraisal of the impact of the proposed FIFEplan allocations on the local and trunk road network was prepared on behalf of Fife Council. The FIFEplan Transport Appraisal concluded that the transportation intervention measures identified within the adopted Mid Fife Local Plan can accommodate the trips generated by the additional FIFEplan allocations. The application site was not included in the assessment as it was still an active high school at the time.

3.7.5 A Transport Assessment (TA) prepared by Fairhurst has been submitted in support of the proposed development. The TA has followed the Scottish Government Transport Assessment Guidance. The TA has considered person trips, not car trips and covered access by all modes of transport - walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport and show how it would fully integrate with the existing community. From a traffic impact perspective, an assessment of the Loughborough Road/St Clair Street; Loughborough Road/Windmill Road; and Loughborough Road/Viewforth Gardens junctions have been carried out.

3.7.6 Objection comments have raised concerns regarding the access proposed from Viewforth Gardens. Objection comments also have expressed a contrary view that one access for this number of units is not sufficient. In response, Transportation Development Management (TDM) Officers have advised that Viewforth Terrace, although it is a cul-de-sac, is a public road and therefore there is nothing to prevent the formation of a prospectively adoptable road from it. It should also be noted that there is an existing vehicular access at the proposed location. The increase in peak hour trips would be minimal and well within the capacity of the existing road. The TA submitted in support of the development concludes that 'the addition of generated traffic from the proposed development will have a negligible impact on the performance of the (Viewforth Gardens/Loughborough Road) junction', therefore it is not agreed that a rat-run would be created by the formation of the access. The secondary means of vehicular access would provide an alternative option for residents of the proposed development and existing residents of Viewforth Gardens, which is more beneficial in terms of site permeability and in accordance with Making Fife's Place and Designing Streets.

3.7.7 The TA concludes that the development complies with current Policy in terms of accessibility to sustainable modes of transport and local amenities. Given that the site is located in an established housing area; has acceptable walking distances to existing bus stops on Loughborough Road, Dysart Road (A985) and St Clair Street (A921) providing a choice of bus services; has acceptable walking and cycling distances to Windmill Campus/Viewforth High School and local facilities in Dysart, and this conclusion is supported by Council Officers.

3.7.8 The Loughborough Road/St Clair Street; Loughborough Road/Windmill Road; and Loughborough Road/Viewforth Gardens junctions would continue to operate well within their practical capacity in the AM and PM peaks with the addition of trips generated by the proposed development and therefore no mitigation measures are required. The traffic impact analysis provides a robust assessment, given that no allowance was made for the trips generated by the former use of the site.

3.7.9 The site appraisal plan shows the provision of a vehicular access from Loughborough Road and a vehicular access from Viewforth Gardens. Both existing streets are subject to a 20mph speed limit. It would be possible to provide a vehicular access, or at least a pedestrian/cyclist access from Church Street, however, because of land ownership issues, this cannot be provided.

3.7.10 The street layout is generally acceptable, however, there are some minor considerations to be fully addressed. These amendments have been discussed with the applicant, and they have agreed that they can be covered through a condition. Given the amendments are minimal and limited to the requirement of additional footpaths or the removal of footpaths, it is considered that the amendments would not significantly alter the layout and can be suitably covered through a condition.

3.7.11 Objection comments have been received with concerns that the site would contain insufficient parking spaces. In terms of off-street parking, TDM have advised that the proposals generally comply with the current Fife Council Parking Standards contained within Making Fife's Places SG (2018). However, there are discrepancies with the layout shown within the drawings. Document 35B shows the eight parking spaces to the rear of plots 35 – 39 as shared parking but document 38B shows them as designated parking. From a practical point of view plots 35 – 39 would be allocated 2 parking spaces each, rather than these spaces being shared. The current parking standards allows up to 25 percent of dwellings to utilise road space to provide one of the required parking spaces per unit on-street. The 2 spaces opposite plot 62 should be located 1 metre southwards to ensure adequate manoeuvring space to/from plot 62. There would then be a shortfall of 1 visitor parking spaces, which is considered acceptable.

3.7.12 Objectors have expressed concern regarding the safety of the access at Loughborough Road. They have concerns that the new access would restrict the ability of existing residents to reverse into their driveways opposite and that the main access into the site is a straight road, which will encourage speeding. Transportation Development Management advise that there is one existing private driveway opposite the proposed vehicular access from Loughborough Road. It is not unusual for private driveways to be located opposite T-junctions. In this case the existing Loughborough Road carriageway is some 8 metres wide which is more than enough to allow a safe reversing manoeuvre into the driveway. A vehicle turning from the site access into Loughborough Road would have to give-way to traffic on Loughborough Road, including a reversing manoeuvre into the driveway

3.7.13 Objectors are concerned that drivers currently speed along Loughborough Road and also that the surrounding roads are in bad condition. In this regard, driver behaviour on Loughborough Road is not an issue that can be addressed through the planning application process. The condition of existing public roads is a matter for Fife Council as roads authority to address.

3.7.14 Objection comments have been received with concerns regarding an increase in traffic as a result of the proposed development, which would impact on pedestrian safety on a school route. The Transport Assessment has carried out a traffic impact assessment on the local road network and concluded the trips generated by the development would have a negligible impact on the road network and all the assessed junctions would continue to operate within their practical capacity. The TA has carried out an assessment of the walking routes to Sinclairtown Primary School and the Windmill Campus and concludes that all walking routes are within 20mph speed limits with ample safe crossing points. Transportation Development Management agree with the conclusions of the assessment.

3.7.15 The proposed development is highly accessible via a range of sustainable transport modes including walking, cycling and public transport, linking into existing networks. The submitted information demonstrates that the proposals would not have a detrimental impact on the local road network. The proposal is therefore acceptable and in compliance with FIFEplan Policy 3 subject to the noted transport related conditions.

### 3.8 Flooding and Drainage

3.8.1 SPP (Managing Flood Risk and Drainage), Policies 1, 3 and 12 of FIFEplan Local Development Plan (2017), the Council's 'Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note' and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to drainage and infrastructure of development proposals.

3.8.2 The SPP (Managing Flood Risk and Drainage) indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures. Development should avoid an increase in surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

3.8.3 FIFEplan Policy 1 Part B (8) requires new development to avoid flood risk. Part C (5) requires new development to demonstrate it incorporates sustainable drainage systems where appropriate. Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SuDS. Policy 12 of FIFEplan states that development proposals will only be supported where they can demonstrate compliance with a number of criteria, including 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.

3.8.4 The Council's 'Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note' sets out the Council's requirements for information to be submitted for full planning permission to ensure compliance. Finally, CAR sets the legal requirement for SuDS to be installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

3.8.5 SEPA flood maps indicate that there are no issues with flooding within the vicinity of the site. A Flood Risk Assessment was not required. In terms of drainage, the proposal was initially to drain surface water discharge to soil, through the use of a soakaway and drain to the combined sewer. However, there was no confirmation on the adoption of the surface water network outwith property boundaries and no acceptance from Scottish Water that they would accept the discharge rate into their sewer. It was also noted that Fife Council would not adopt a road with an underground storage system, which was initially proposed.

3.8.6 The applicant has discussed options with Scottish Water regarding connection into the public sewer network. With the agreement of Scottish Water, the applicant is now proposing an overflow from the SUDS to the west of the site, into third party land. In order to secure this, a wayleave would be required. Scottish Water have advised that they will adopt the SUDS basin in this instance and have accepted a waiver in principle, on the provision that there is no downstream impact on the network. However, this can only be carried out and finalised at the technical stage

of the process. This would involve a re-run of the Development Impact Assessment to model the downstream impact of the overflow. Fife Council Flooding, Shoreline and Harbours Officers have reviewed the information submitted and have advised that they have no objections to the proposals in terms of drainage, subject to the impact of the overflow on the network being reviewed and approved by Scottish Water to avoid any flooding or capacity issues and the wayleave for the overflow pipe is secured. Given the overflow pipe proposed is not within the site boundary, a planning condition is suggested, which would require the applicant to submit this information before any works commence.

3.8.7 Fife Council Flooding, Shoreline and Harbours Officers have no objection to the proposals, subject to the above conditions. The proposals would meet the requirements of Policy 3 and 12 of FIFEplan, subject to the aforementioned conditions.

### 3.9 Natural Heritage

3.9.1 Policies 1, 10, 12 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended), Wildlife and Natural Environment (Scotland) Act (2011), Nature Conservation Scotland Act 2004 (as amended) and Bat Conservation Trust Publication on Bat Surveys for Professional Ecologists (2016) apply in this instance with regard to natural heritage protection.

3.9.2 FIFEplan Policy 1 Part B (9) requires new development to safeguard against the loss of natural resources. Part C requires an application to be supported by information which demonstrates it will: (4) Provide green infrastructure as required; (5) Provide sustainable urban drainage system; and, (7) Provide a design that adheres to the 6 qualities of successful places. This includes places that are "distinctive", where the existing physical assets of a place are protected and incorporated into new development.

3.9.3 FIFEplan Policy 12: Flooding and the Water Environment supports proposals that demonstrate they will not reduce the ecological quality of the water environment, including its natural characteristics. FIFEplan Policy 13: Natural Environment and Access supports developments where they protect or enhance natural heritage and access assets, such as biodiversity, protected or priority habitats and species. This policy also promotes green networks and greenspaces and protects Core Paths and other infrastructure which supports access to natural heritage assets. Where adverse impacts on existing assets are unavoidable the Planning Authority will only support proposals where these impacts will be satisfactorily mitigated. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Making Fife's Places Supplementary Guidance

3.9.4 Making Fife's Places Supplementary Guidance (2018) supersedes similar guidance on Green Infrastructure and includes the appraisal criteria required to be undertaken to ensure any impacts on green infrastructure/ natural heritage assets is appropriately managed and what provisions are made for their enhancement. This appraisal will form the basis of the planning assessment against the policy framework set out above. Making Fife's Places Supplementary Guidance also provides information on the site assessments which should be submitted. This includes a habitat survey to identify habitat on or close to the site and if suitable for protected species where further surveys may be required. Any Protected Species (European and UK) found to be present should be assessed with appropriate surveys undertaken and impacts and mitigation identified. All surveys should be carried out by suitably qualified professionals following recognised



guidelines and methodologies. Surveys should be reported in full with mapping provided as appropriate.

3.9.5 Objectors have concerns that the proposals would harm existing wildlife on the site. The application site is not within nor near any sites designated for nature conservation purposes. The nearest designated site is the Firth of Forth Special Protection Area, which is 450m to the south east of the application site. This area is designated as a RAMSAR site designated for its non-breeding waterfowl and wading birds. An Ecological Impact Assessment, by Acorna Ecology Ltd. (April 2020) has been submitted with the application. The report identifies potentially significant effects on the ecology of the area as a consequence of the proposed development, establishes appropriate mitigation measures to minimise any potential significant effects on the ecology, an assessment of residual effect significance, identify any appropriate ecological enhancements and establish any ecological monitoring required. The survey found that the key ecological constraints were the mature trees on the site, breeding birds and bat roost potential.

3.9.6 In terms of the bat roost potential, following the fire at the main school building, further survey works would not be required as part of this application, given both the damage caused and also because the building is no longer included within the application site. Direct Ecology have submitted a letter as an update to their initial survey. Direct Ecology advise that there is no potential for maternity roosts within the site. This would mean that the ecologist could use the Bat Low Impact Licensing (BLIMP) and according to the SNH/NatureScot guidance would likely obtain a licence.

3.9.7 It is recommended that the SUDS has an opportunity to create areas of semi-natural species-rich grasslands. This recommendation is welcomed, and a condition is recommended, requiring the submission of a landscaping plan which should contain this detail.

3.9.8 In terms of breeding birds, it is recommended that site works commence between October and the end of February, which would remove breeding birds as an ecological constraint. However, if works must commence between March and September, site preparation works must be preceded by a walkover survey by an ecologist to check for evidence of breeding birds.

3.9.9 The report recommends the installation of integrated bat roost tubes and swift bricks on buildings. The details of these should be submitted through an appropriate condition. It is considered that the proposed development, through its use of landscaping, mitigation, compensation and enhancement measures for biodiversity would improve the biodiversity offering of the site. Conditions are recommended to ensure the biodiversity improvements and landscaping works are undertaken.

3.9.10 Within the site, there were no habitats valued at national, regional or local levels found. Small areas of woodland and scattered trees on the site have a low intrinsic nature conservation value as part of the wildlife corridor along the railway corridor. A Tree Survey and Arboricultural Impact Assessment, by Martin Langton (March 2020) was submitted with the application. The report surveys the trees within the site, and includes an assessment of the trees on the site. The report outlines that the site contains three prominent trees to the north and east boundaries of the site and small groups of trees within the areas of proposed greenspace. A group of mature, mixed broadleaf trees are located to the west of the main school building. To the west of this, are six maturing Lime trees. There is a group of semi-mature trees at the southern boundary. A total of 42 trees have been surveyed on the site, predominantly around the perimeters including 8 Category A, 21 Category B, 18 Category C and 3 Category U trees. All of the mature Category A trees would be retained. On the southern boundary, to facilitate the construction of the proposed

flats, 6 Category B trees are proposed to be removed, and 5 Category C trees. It is considered that these should be replaced with smaller tree species and the remainder of the trees at that location could be retained. Due to challenging levels, 3 Category B and 2 Category C trees are proposed to be felled to the north of the site. This would provide space for new planting of small tree species to integrate with the development. 1 Category A/B, 2 Category B and 6 Category C trees within the centre of the site would also be felled. These trees are located on small areas of green space, which presents difficulty for retention. To mitigate against the loss of these trees, new planting of good quality trees should replace them on the site. The report recommends that, in total, 52 trees should be planted to replace the 26 trees lost and these trees should be a minimum of 10-12cm girth. New tree planting would make a significant contribution to site amenity and restore and enhance the tree cover over the long term.

3.9.11 Making Fife's Places Supplementary Guidance advises that where large or semi-mature trees are present on or adjacent to a development site, no new development should be built within the falling distance of the tree. The submitted tree report advises that some leeway could be afforded in this regard, to the Lime trees to the north of the site due to their finely branches crowns and past exposure to prevailing south westerly winds, which would make them more stable. Additionally, it is not considered that there would be a significant pressure from future occupants to remove these trees, as they sit to the north of the development thus not creating overshadowing to the proposed houses, and they are situated behind a retaining wall. It is considered that, in this instance, moving the units back from these trees would not be possible without creating an undesirable layout or removing a significant number of units from the site and the risk of the trees becoming under pressure to be removed would be low.

3.9.12 Trees are proposed to be felled to allow for the development. However, it is considered that the proposed compensatory tree planting throughout the site would be more than adequate to cover the loss of trees within the site. In this regard, native species of trees and shrubs are recommended, which is welcomed, and further details can be submitted through a condition. Tree protection measures are proposed to retain the group of trees along the southern boundary of the site, for the retention of a Birch in the south west corner of the site and a group of trees to the north. The tree protection measures are set out within the Tree Protection Plan, by Langton Tree Specialists (November 2020). The report proposes careful hand excavation within the root protection area of two of these trees, where the proposed hardstanding would encroach into the root protection areas. A method statement is included for these works, and this should be secured by a condition. This will ensure the trees would not be harmed as a result of the proposals.

3.9.13 In conclusion, the proposed development would not impact on any protected species, whilst offering landscape and biodiversity enhancements. The proposed development is therefore considered to be acceptable with regard to natural heritage impacts, complying with requirements of FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

### 3.10 Open Space and Play Provision

3.10.1 The SPP in terms of sustainable development advocates the protection of, enhancement and promotion of access to natural heritage, including green infrastructure, landscape and the wider environment. The part of the policy aimed at maximising the benefits of Green Infrastructure sets out a set of policy principles to help guide the delivery of this. The planning system should ensure this is an integral element of places, facilitate the long-term integrated management of Green Infrastructure and provide for easy and safe access to Green Infrastructure.

3.10.2 Policy 1 Part C (4) of the Adopted FIFEplan (2017) states that a development must provide green infrastructure as required in settlement proposals and identified in the green network map. This is reiterated within Policy 3 of the Adopted Local Development Plan. Fife Council's Making Fife's Places Supplementary Guidance (2018) supplements this by setting an aspiration that all residents within Fife will be within 250m of a 0.2 hectare area of open space. If this is the case, then a development site will not be expected to provide green space on site, but the open space requirement can be met through a contribution per house towards the upgrade of the existing open space. Local equipped play areas must be provided on site for developments which have 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 but may be required to make a financial contribution to the upgrade of existing facilities. It also states that new housing developments of over 10 residential units will be expected to provide 60sqm of green space for each new dwelling.

3.10.3 Objectors have expressed concern regarding the lack of green space within the site. The development site requires 4,380sqm of open space for a development of 73 units, in accordance with Making Fife's Places SG. The proposals include an area of 2,516sqm of open space within the site. Ravenscraig Park is located to the south of the site. The park is easily accessible via a bridge across the railway line to the west of the site. There is also a play park located at Shetland Place, to the north of the site. Although the area of open space provided on site is below the standard of open space expected within Making Fife's Places, it is considered that, given the constraints of the site, the brownfield nature of the site, and the proximity of the site to a large area of existing open space, a shortfall is accepted in this instance.

3.10.4 Objection comments have expressed concern that the proposals do not include any provision for a new play park within the site. However, in accordance with Making Fife's Places Supplementary Guidance, this development would not require a play area as it is for less than 200 units. Given this proposal is on a brownfield site, a contribution towards open space within the vicinity of the site would not be requested therefore the applicant is not required to provide a contribution towards the existing play park or open space near the site in this instance.

3.10.5 Overall, it is considered that, on balance, when considering the site would develop a brownfield site and the close proximity to existing open space and play facilities, sufficient open space has been provided for the site and this would meet the terms of Making Fife's Places SG. The location and form of the open space has been accepted on the basis of the site constraints.

### 3.11 Land Contamination

3.11.1 PAN 33: Development of Contaminated Land (2000) and Policies 1 and 10 of FIFEplan Local Plan (2017) apply with regards to land stability in this instance.

3.11.2 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. Policy 10 of FIFEplan advises development proposals involving sites where land instability or the presence of contamination is suspected, the developer is required to submit details of site investigation to assess the nature and extent of any risks presented by land stability or contamination which may be present and where risks are known to be present, appropriate mitigation measures should be agreed with the Council, and the Coal Authority in instance where the development is located in a High Risk Area.

3.11.3 The application site is not located within a Coal Authority High Risk area but is identified as being subjected of past ground contamination. The planning application is supported by a Geo-Environmental and Geotechnical Interpretative Report (November 2019) prepared by Fairhurst and a Remediation Strategy (April 2020) by Fairhurst. The reports advise that radon protection measures are required to be included within the design of new dwellings. It also advises that gas protection measures, including passive venting and a gas preclusion membrane are required to be installed within the development. Capping, in combination with an engineered anti-dig layer is recommended in private soft landscaping areas and any sub-soil or topsoil to be imported should be sampled and analysed.

3.11.4 Fife Council's Land and Air Quality Officers were consulted on this application. Giving regard to the ground investigations which have been carried out thus far (and the supporting documents submitted as part of this application), Fife Council's Land and Air Quality Officers advise that a Remedial Action Statement be submitted prior to the commencement of development. It is also recommended that a verification report be submitted prior to occupation of the building. Given this feedback from the Land and Air Quality Officer, conditions are included as part of this recommendation for these additional documents to be provided.

3.11.5 In conclusion, the proposed development of the application site is not considered to raise any significant concerns with regard to land contamination. Conditions are included in the recommendation however to ensure further investigations are undertaken to make sure the site is developed safely.

### 3.12 Affordable Housing

3.12.1 Scottish Planning Policy recommends that affordable housing should allow the creation of sustainable mixed communities and the need for affordable housing should be met, where possible, in the housing market area where it arises. PAN 2/2010, Affordable Housing and Housing Land Audits, provides that delivery of affordable housing through the planning system should be sought as a percentage from new housing developments, as long as this is justified by the Housing Need and Demand Assessment and included in the Local Housing Strategy and Development Plan.

3.12.2 An objection comment was received which outlines concerns that Kingdom Housing Association have written a letter of support but have given no reasons for their support. In this regard, it should be noted that this letter is not considered as a representation to the application, and has been submitted alongside the application to demonstrate that the affordable housing proposed on the site is being delivered in conjunction with Kingdom Housing Association as the Registered Social Landlord.

3.12.3 An objection comment raises concerns that there is already affordable housing being constructed at Standing Stain Road so this development is unnecessary. In this regard, FIFEplan Policy 2 states that open market housing development must provide affordable housing at the levels shown in Figure 2.1 for each Housing Market Area (HMA), consistent with the Affordable Housing Supplementary Guidance. The affordable housing requirement for the Kirkcaldy Housing Market Area is 15%. 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. More detailed guidance on the various forms of delivery and standards of design is provided in Fife Council's Supplementary Guidance on Affordable Housing (2018).

3.12.4 The affordable housing contribution within the site is based on the development of the entire site, including the main school building, which is now removed from the site boundary. With the main school building included, the requirement is for 15 affordable units to be provided on site. The proposals include 4x 2 bed ground floor cottage flats (amenity standards), 1x 2 bed upper floor cottage flats (general needs), 4x 2 bed houses, 2x 3 bed houses, and 1x 4 bed houses. Fife Council Housing Services has confirmed that the developer is providing the affordable housing element of this development in conjunction Kingdom Housing Association and the proposals have the support of Housing Services and the Scottish Government. The allocation of Scottish Government funding for this project has still to be agreed.

3.12.5 Should the developer come forward with more units on the site of the main school building in future then the affordable housing requirement would have to be re-assessed and further units provided on site to meet the requirements.

3.12.6 The proposed development would meet the requirements of Policy 2 and Supplementary Guidance in regards to affordable housing.

### 3.13 Education

3.13.1 FIFEplan Policy 4 states that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity including education. 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. This is reinforced in the Planning Obligations Framework Supplementary Guidance.

3.13.2 The application site lies within the catchment areas of Sinclairtown Primary School; St Marie's Roman Catholic Primary School; Viewforth High School; and St Andrew's Roman Catholic High School. This site is also within the Kirkcaldy East (K3) local nursery area. Fife Council Education Service confirmed that based on the available information, and proposed house completion rates, this development is expected to create or contribute to a capacity risk within the catchment area of the development site. Specifically, the development would contribute towards a critical capacity risk at Sinclairtown Primary School. A feasibility study was carried out at Sinclairtown Primary School to explore the options for providing accommodation for a temporary period, to create capacity for pupils from new housing developments, including this site and the Strategic Development Area (SDA), until the new primary school is delivered for the SDA. To establish the requirement, an assessment was carried reviewing the output with no housing at the school, compared with all proposed housing. There is a long-standing legal agreement in place, under planning application 10/01774/EIA, for the Kirkcaldy East strategic development to deliver a new school by the 650th unit. Based on the HLA 2018 phasing, this was estimated to be 2026/2027. Based on the indicative programme, Sinclairtown Primary School will require additional accommodation as a result of this new housing, up to a total of 20 classes from 2022 until 2026/27. The required accommodation would consist of 3 x double Temporary Modular Accommodation (TMA) units, with toilet/cloakroom facilities, to be situated in the grounds of Sinclairtown Primary School. The total cost of this work is estimated at £610,400 and should be funded in part from this development by August 2022. The applicant has agreed to this contribution.

3.13.3 The development would also contribute towards a capacity issue at Viewforth High School. In accordance with the Fife Council Planning Obligations Framework Supplementary Guidance 2017, a Kirkcaldy-wide approach will be utilised to address secondary school capacity issues, in

a cumulative manner, to meet the cost of development-related education capacity requirements. The cumulative impact of proposed strategic and non-strategic housing development in the catchment area will require an additional 400 pupil places at Viewforth High School. The cost of this work is estimated at £5.0m, to be funded on a pro-rata basis by all eligible housing development across the catchment areas. The equivalent cost per 3-bedroom unit is £1,071 (ref Supplementary Planning Guidance para 5.29, Figure 10). In accordance with the supplementary guidance, brownfield sites would be exempt from the payment of contributions, unless there is a critical capacity risk. In this instance, the Kirkcaldy High School capacity issue is not critical, therefore no contributions would be requested for the high school.

3.13.4 In conclusion, financial contributions towards alleviating critical education capacity risk at Sinclairtown Primary School is required from this development, in accordance with FIFEplan Policy 4 and the Planning Obligations Framework Supplementary Guidance. This should be covered through a legal agreement.

### 3.14 Developer Contributions

3.14.1 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. FIFEplan Policy 4 sets out a list of the types of development which are exempt from the payment of contributions, which includes the re-use of derelict land or buildings, previously developed land, or the rehabilitation of contaminated land within a defined settlement.

3.14.2 The Planning Obligations Framework Supplementary Guidance advises that the proposed development should contribute towards the strategic transportation intervention measures identified in the adopted FIFEplan and SG (Figure 5). The strategic transportation intervention measures are required to mitigate the cumulative adverse impacts of the trips generated by the LDP allocations. The site is located within the Kirkcaldy Zone. This application would be exempt from this contribution, given it is previously developed land.

3.14.3 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. This application would be exempt from this contribution, given it is previously developed land.

3.14.4 The open space requirement for residential developments over 51 units is 60 sq.m per house as set out in Making Fife's Places Supplementary Guidance and the Planning Obligations Framework Supplementary Guidance. The site does not provide the full area of open space on the site, however, as discussed in section 3.10 above, a reduction is justified in this instance. Additionally, the site would be exempt from paying a contribution towards open space in the surrounding area.

3.14.5 As discussed in Section 3.12 above, contributions towards alleviating critical education capacity risk at Sinclairtown Primary School is required from this development, in accordance with FIFEplan Policy 4 and the Planning Obligations Framework Supplementary Guidance. This is covered through a legal agreement.

3.14.6 Objection comments received note concerns regarding the potential impact this proposal could have on GP surgeries and other healthcare services locally. This is not an issue that can be addressed by the planning authority. 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.

3.14.7 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.

3.14.8 The proposed development is therefore in accordance with FIFEplan Policy 4 and the Planning Obligations Framework Supplementary Guidance subject to a Section 75 legal obligation and appropriate conditions being imposed to secure the necessary contributions.

### 3.15 Sustainable Development

3.15.1 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.

3.15.2 FIFEplan Policy 11: Low Carbon 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.

3.15.3 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that all major developments should provide information about the energy use of a development to demonstrate that the requirements of FIFEplan Policy 11 regarding CO2 emission reduction targets have been met (including how renewable and low-carbon energy technologies will be incorporated into the development); and will ensure that energy is an integral part of the development's design and evolution.

3.15.4 The Design and Access Statement submitted with the application includes a statement on Energy. The statement confirms that the development proposes on-site zero carbon and low carbon equipment and measures to reduce water use. The proposals include house types compliant with current building regulations in preventing heat loss/carbon emissions including a 'fabric first' approach to reduce energy demand and improved thermal performance of walls, floors, roofs, windows and doors; the proposals include high efficiency heating systems, air tightness, A rated white goods if required, dual flush toilets, aerated taps and low energy lighting. Photovoltaics would be used as a low and zero carbon technology throughout the site. In terms of materials, the applicant will investigate the feasibility of providing the materials from sustainable sources and construction methods will be used to increase recycling and reduce waste. In addition, there is an opportunity to re-use materials from the de-listed school building and other demolished buildings on the site, within the site boundary. Waste and recycling facilities are integrated into the plans for the development. A sustainable urban drainage system is proposed.

3.15.5 The nearest district heat network is some distance from the site, well over 1km. No further investigation into the feasibility of the development connecting to a district heat network is required.

3.15.6 Objections have noted concern that the development will create additional cars which will increase carbon emissions. In this regard, the applicant has submitted an Air Quality Impact Assessment by The Air Shed (March 2020). The report advises that the maximum development flows on any link road would be 335 annual average daily traffic movements on Loughborough Road. The report advises that, where a scheme is predicted to generate less than 500 annual average daily traffic movements outwith an Air Quality Management Area, then an Air Quality Impact Assessment is likely to be unnecessary. The report indicates that the proposed development falls well below the threshold. The results indicate that the air quality in the area complies with the annual mean Limit Value for Nitrogen Dioxide and the levels of air pollution are trending slightly downwards between 2013 – 2018. The report advises that there is a low potential for dust generation during the construction phase and sets out mitigation measures. It is considered that these proposed measures could be covered through a Scheme of Works, required through a condition. Land and Air Quality Officers have reviewed the Air Quality Impact Assessment and concur with the methodology and conclusions set out within the report.

3.15.7 SPP (2020) states that planning policies and decisions should support sustainable development. For the purposes of this policy, to assess whether a policy or proposal supports sustainable development, the following principles should be taken into account:

- 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

3.15.8 In terms of economic development, the benefits of this proposal would comprise of the delivery of jobs, additional spending in the local economy and other associated benefits arising from construction. Additionally, the proposals would provide affordable housing accommodation. The proposals would meet the principles in this regard.

3.15.9 In terms of good design and the six qualities of a successful place, this has been assessed in detail in Section 3.3 of this report. This section concludes that the proposal would be a good quality design, and accord with the placemaking principles set out in FIFEplan and other material considerations.

3.15.10 The proposal would make efficient use of land, buildings and infrastructure as it proposes the development of a redundant, brownfield site. Therefore, this principle is met.

3.15.11 The proposal would deliver accessible housing by way of market and affordable housing within walking distance of the town centre. This is discussed further in Section 3.7.

3.15.12 The proposal includes the delivery of supporting infrastructure, as set out in Sections 3.7, 3.8, 3.12, 3.13 and 3.14. Therefore, this principle is met.

3.15.13 The proposal takes due account of flood risk, as set out in Section 3.8 and responds to the challenge of climate change mitigation through compliance with FIFEplan Policy 11, as set out in Section 3.8 and 3.15.

3.15.14 The proposal would deliver a usable and accessible open space by forming amenity space within the site. This provision would encourage informal recreation and social interaction in accord with this sustainable development principle.

3.15.15 The proposal would accord with the Land Use Strategy for Scotland by reusing previously developed land within the settlement boundary of Kirkcaldy.

3.15.16 Section 3.4 considers the proposal against the terms of the development plan and other material considerations in relation to built heritage. The proposals are considered acceptable in this regard, enhancing the historic environment by redeveloping this site.

3.15.17 Section 3.9 considers the impact of the proposal on natural heritage assets and the proposals would accord with this principle.

3.15.18 Section 3.15 considers waste reduction, management and resource recovery and concludes the proposal would accord with FIFEplan Policy 11.

3.15.19 The issue of over-development, amenity and the implications for water, air and soil quality is considered at various stages throughout this report. Over-development is considered in paragraph 3.6.7. The design of the development as it relates to scale and massing is considered in Section 3.3. Amenity concerns are address fully in Sections 3.5 and 3.6 and issues relating to air quality are addressed in Section 3.15. Land contamination is considered in Section 3.11. In considering these various matters, the objective was to determine if there were any objective measures that would indicate the site was over-developed. In each aspect, the site is considered to accord with the development plan and other material considerations. The proposal is not considered to constitute over-development of the site.

3.15.20 Whilst the preceding chapters of this report consider each issue separately, it is important to consider them in a holistic manner to determine if the development is sustainable. In this regard, the proposal is considered sustainable overall. Therefore, on the basis of the above, the proposal is considered to be sustainable development as defined by Scottish Planning Policy. This lends strong material weight to the support of the proposal provided by the development plan and material considerations.

3.15.22 The proposed development is not in accordance with FIFEplan Policy 11 and SPP in relation to low carbon and sustainability.

## CONSULTATIONS

Structural Services - Flooding, Shoreline And Harbours	No objections, subject to conditions.
Transportation, Planning Services	No objections, subject to conditions.
Housing And Neighbourhood Services	No objections, subject to conditions.
Urban Design, Planning Services	No objections, subject to conditions.
Trees, Planning Services	No objections, subject to conditions.
Scottish Water	No objections, subject to conditions.
Historic Environment Scotland	No comments on the FULL planning application.
Community Council	No response.
NatureScot	No comments.
NHS Fife	No response.
Built Heritage, Planning Services	No objections, subject to conditions.
Policy And Place Team (Central Area)	No objections.
Natural Heritage, Planning Services	No objections, subject to conditions.
Land And Air Quality, Protective Services	No objections, subject to conditions.
Education (Directorate)	No objections.
Environmental Health (Public Protection)	No objections, subject to conditions.
Scottish Natural Heritage Licensing	No comments.
Network Rail	No objections, subject to conditions.

## REPRESENTATIONS

14 objections have been received in relation to this application. The main issues raised by objectors and supports are set out in the relevant sections of the report and are summarised below:

1. Concern regarding the design – the materials, scale and height of the proposals are not in keeping with the surrounding context.

Addressed fully in Section 3.3 - Design

2. Concerns regarding transportation and road safety – there is insufficient parking proposed, speeding, concern regarding a new road at the bottom of Viewforth Gardens, concern regarding only one access being provided.

3. Concern regarding construction phase – the access is unsuitable for this and will create issues accessing adjacent properties, which was an issue during previous demolition works.

Addressed fully in Section 3.7 - Transportation/Road Safety

4. Concerns regarding residential amenity:

- Construction hours should be limited to weekdays only
- Light, noise and air pollution
- The elevation of the two storey housing will overlook lady Nairn
- Overshadowing to lady Nairn avenue

Addressed fully in Section 3.5 - Amenity

5. Concerns regarding overdevelopment of the site.

Addressed fully in Paragraph 3.6.7 – Residential Amenity

6. Concerns regarding the lack of amenity space for children – that a park should be provided on the site and that there are no green spaces proposed.

Addressed fully in 3.10 - Open Space and Play Provision

7. Concern that the demolition of the historic buildings will negatively affect the historic environment. Omitting the listed building from the application leaves little scope for future restoration of the buildings and will create eyesores. The development should prioritise the future of the historic buildings.

Addressed fully in 3.4 - Built Heritage

8. The development will create additional cars which will increase carbon emissions

Addressed fully in Paragraph 3.15.6 – Sustainable Development

9. Lack of resources in the local area – dentists, gp surgeries, school places, nursery.

Addressed fully in 3.14 - Developer Contributions

10. Concerns regarding the impact on wildlife.

Addressed fully in 3.9 - Natural Heritage

11. Kingdom Housing have written a letter of support but have given no reasons for support.

Addressed fully in Section 3.12 – Affordable Housing

12. 2,000 houses are already planned on the outskirts of the town and they have the necessary amenities required but this location does not. There is already affordable housing being constructed at Standing Stain Road so this development is unnecessary

Addressed fully in Section 3.12 – Affordable Housing

13. The developers were evasive at the public meeting and did not show interest in the public's concerns.

The applicants have carried out the required public consultation processes and have submitted a PAC report, which outlines the outcomes of the PAN. The report submitted shows how concerns have been considered as part of the planning application process. The attitude of the developer is not a consideration of the planning application.

14. The access is different to what was shown at the Public Consultation event – houses have been added.

The proposals will inevitably progress and change as the proposals progress, and the drawings shown at the beginning of the process will not always be as submitted with a planning application, for various reasons such as taking comments from events on board, land ownership, design, or requests for changes by the planning authority.

15. Development should use sustainable energy sources and encourage the use of green transport.

Addressed fully in Sections 3.7 – Transportation and Road Safety and 3.15 – Low Carbon and Sustainability

16. The site should be developed as community accessible open space.

The planning authority is assessing the proposal that has been submitted, and the merits of that proposal must be considered. The site has been previously developed and is located within the settlement boundary of Kirkcaldy, where development would be supported.

17. The development should comprise of bungalows

The surrounding area does not all comprise of bungalows, although it is acknowledged that there are some bungalows in the area. However, this does not mean that the site must only comprise of a bungalow development. The site previously contained buildings which were not

bungalows and it is considered that a more varied development would be suitable on this previously developed site. This is addressed further in Section 3.3 – Design.

#### Non-material Concerns

Development will block views

Reduction in property values

These concerns are not material planning considerations and cannot be considered as part of the planning assessment.

### **CONCLUSIONS**

The proposed development is considered to be in accordance with the Adopted FIFEplan Local Development (2017) in that its use would represent the development of a brownfield, derelict site which is no longer being used for Education purposes, within the settlement boundary of Kirkcaldy. The proposal is considered acceptable in principle, design, massing and location, and would not cause any significant detrimental impacts in terms of infrastructure, traffic, ecology or amenity. The development is considered to accord with the policy provisions of the Development Plan and all relevant material considerations.

### **RECOMMENDATION**

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

The conclusion of a legal agreement relating to:

- 1) A financial contribution of £64,608 to deliver 3 x double Temporary Modular Accommodation units within the grounds of Sinclairtown Primary School in accordance with Planning Obligations Framework Supplementary Guidance (2017)
- 2) The provision of affordable housing in line with the adopted FIFEplan (Sept 2017) and the Affordable Housing Supplementary Planning Guidance

and the following conditions and reasons:

1. NO DEVELOPMENT SHALL COMMENCE unless and until the wayleave for the proposed overflow pipe to the west of the site is secured and the impact of the overflow on the network is reviewed and confirmed as acceptable by Scottish Water. Confirmation of both of these items shall be submitted to and approved in writing by the planning authority.

Reason: to ensure that an appropriate overflow is adequately catered for in the interests of flood prevention and capacity issues.

2. NO DEVELOPMENT SHALL COMMENCE unless and until Listed Building Consent application(s) have been submitted and approved for the works to the elements of the site which are listed (Eastbank House buildings and boundary walls and gate piers).

Reason: to ensure the statutory approvals required are in place prior to works commencing.

3. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION WORKS, a method statement shall be submitted, outlining the materials that will be re-used within the site, following the demolition

of the main school building.

Reason: In the interest of built heritage and visual amenity – to ensure that important assets are retained and included within the design of the site.

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

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

5. All roads and associated works serving the proposed development shall be constructed in accordance with the current Fife Council Transportation Development Guidelines to a standard suitable for adoption. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, an updated drawing shall be submitted for prior approval, including the following amendments:

- The 2 metres wide footway fronting plots 57 & 58 shall be located 1 metre northwards to maintain a straight northern carriageway kerb.
- The 2 visitor parking spaces opposite plot 62 shall be located 1 metre southwards.
- The two underground storage features shall be relocated 2 metres further south from the edge of the prospectively adoptable road

The development shall thereafter be implemented in accordance with the agreed drawing.

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

6. PRIOR TO OCCUPATION OF THE FIRST UNIT, visibility splays 2.5 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the site accesses with Loughborough Road and Viewforth Gardens and the internal junctions, in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

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

7. PRIOR TO OCCUPATION OF ANY UNIT WITHIN PLOTS 17, 18, 15, 16, 19 – 22, 34 – 39, 51 – 54, 59, 62, 71 – 73 & 79 – 81 there shall be provided within each plot 2 off-street car parking spaces. The parking spaces shall be retained through the lifetime of the development.

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

8. PRIOR TO OCCUPATION OF THE FIRST UNIT WITHIN PLOTS 23 – 31 the 18 off-street car parking spaces as shown on drawing 18077-(2-)052 Rev 05 (document 35B) shall be provided. The parking spaces shall be for communal use only and be retained through the lifetime of the development.

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

9. PRIOR TO OCCUPATION OF THE FIRST UNIT WITHIN PLOTS 41 – 43 & 47 – 50 the 16 on and off-street car parking spaces as shown on drawing 18077-(2-)052 Rev 05 (document 35B) shall be provided. The parking spaces shall be for communal use only and be retained through the lifetime of the development.

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

10. PRIOR TO OCCUPATION OF THE FIRST UNIT WITHIN PLOTS A1 – A15 the 24 off-street car parking spaces as shown on drawing 18077-(2-)052 Rev 05 (document 35B) shall be provided. The parking spaces shall be for communal use only and be retained through the lifetime of the development.

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

11. The construction and delineation of the parking, manoeuvring, servicing, turning, private footpath links and access driveway areas shall be constructed in accordance with the current Fife Council Transportation Development Guidelines to the satisfaction of the planning authority. The two rural style footpath links shall be 2 metres wide.

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

12. PRIOR TO ANY WORKS COMMENCING ON SITE, wheel cleaning details shall be submitted for the prior approval of Fife Council as Planning Authority, being provided and maintained throughout the construction works so that no mud, debris or other deleterious material is carried by vehicles on to the public roads.

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

13. PRIOR TO ANY WORKS COMMENCING ON SITE, a Construction Environmental Management Plan (CEMP) shall be submitted to Fife Council as Planning Authority for approval in writing. The CEMP shall include a pollution protection measures to avoid an impact on the environment, as well as a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. 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" should be consulted.

It shall provide the following details:

- Site working hours;
- Adherence to good practise in protecting the environment and ecology;
- Dust, noise and vibration suppression; and
- Protection of water environment.

Reason: To ensure the environment in and around the site and residential amenity is protected during construction.

14. NO DEVELOPMENT SHALL COMMENCE ON SITE until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

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

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

15. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to Condition 14. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

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

16. IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the planning authority shall be notified in writing within 2 working days.

Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority or (b) the planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site



have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

Reason: To ensure all contamination within the site is dealt with.

17. BEFORE ANY WORKS START ON SITE, the developer shall implement the tree protection measures outlined within the Tree Protection Plan, by Langton Tree Specialists (November 2020), necessary to safeguard the trees on the site during development operations. The 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 demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery. As part of the measures, the developer shall appoint an arborist and details of the arboricultural supervision of the site shall be submitted with the above details, for prior written approval.

Reason: In order to ensure that no damage is caused to the existing trees during (demolition and) development operations and in perpetuity.

18. PRIOR TO THE COMMENCEMENT OF WORKS, details of compensatory tree planting shall be submitted for the approval of Fife Council. All replacement trees shall be planted in the first planting season (November to March) following the first occupation of dwellings within that phase. Any trees that are lost, damaged, missing, diseased or fail to establish prior to the completion of the development shall be replaced with a species of equivalent type and size.

Reason: To ensure adequate compensation is provided for the trees lost through this development.

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

Reason: In the interests of ecology, to minimise disruption within the bird nesting season.

20. BEFORE ANY CONSTRUCTION WORKS START ON SITE, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner. FOR THE AVOIDANCE OF DOUBT, the amended landscaping plan shall include the following:

- a number of trees to provide verticality to break up the view of the remaining car park and the gable building end at the Loughborough Road entrance.
- Robust landscaping to the north of the affordable housing.
- Semi-natural species-rich grasslands within the SUDS

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

21. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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

22. PRIOR TO ANY WORKS COMMENCING ON SITE, details (including samples) of the specification and colour of all proposed external finishes shall be submitted for approval in writing by the Planning Authority.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.

23. BEFORE ANY WORKS STARTS ON SITE, final boundary treatment details shall be submitted and approved in writing by Fife Council as planning authority:

- Any fences which face onto the parking courts, streets or footpaths shall be limited but where required, shall be topped with decorative features such as a top rail, scalloped top, trellising or similar and/or screened with native hedge planting. Planting shall be placed adjacent to the public facing side of the fences.
- Details of the front boundary treatments shall be included.
- Details of the rear boundary treatment to plots 34-39 shall be submitted.
- The boundary of the pathway between plots 47 - 57 shall be more visually attractive and robust material other than timber fencing.
- The boundary treatment to the south and west of the site should be carefully considered given its visual prominence. Timber fencing would not be visually appropriate. Details shall be submitted showing a more robust or visually more appropriate treatment such as block/rendered wall, and/or a living wall.

The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interest of visual amenity.

24. WITHIN ONE MONTHS OF THE SUDS BEING COMPLETED, Appendix 5 – Confirmation of future maintenance of Sustainable Apparatus (Fife's SuDS – Design Criteria Guidance Note) and Appendix 6 - Confirmation of Sustainable Drainage System Constructed to Current Best Practice (Fife's SuDS – Design Criteria Guidance Note) shall be submitted for approval in writing by the Planning Authority.

Reason: To ensure the SUDS construction has been completed in accordance with the appropriate guidance.

25. The acoustic barrier specified within the Noise Impact Assessment by RMP (dated 7<sup>th</sup> April 2020) approved through this application shall be fully constructed prior to the occupation of the

associated residential unit identified within the report. Before works start on site, full details of the acoustic glazing and mechanical ventilation chosen for the units identified as requiring further mitigation over and above the acoustic barrier shall be submitted for the written approval of Fife Council as planning authority. The units identified shall be included with this information. These units shall be provided with the mitigation agreed through this condition prior to their occupation.

Reason: In the interests of residential amenity.

26. BEFORE ANY WORKS START ON SITE the developer shall submit details of mitigation and enhancement measures as identified within the Ecological Impact Assessment, by Acorna Ecology Ltd. (April 2020) for the written approval of Fife Council as Planning Authority. Thereafter, the works shall be carried out in accordance with the approved mitigation measures unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of biodiversity and to ensure appropriate mitigation and enhancement measures are carried out in accordance with the recommendations within the Ecological Impact Assessment.

27. PRIOR TO DEVELOPMENT WORKS COMMENCING ON SITE; a sustainable building statement and full details of the proposed energy efficiency measures (i.e. solar panels) shall be submitted to, and approved in writing by, Fife Council as Planning Authority. The sustainability statement shall address all of the matters set out in Appendix B of Fife Council's Low Carbon Fife Supplementary Guidance (January 2019). Thereafter, the development shall be carried out in the accordance with the approved plans and sustainable building statement.

Reason: In the interests of sustainability; to ensure the development meets the CO2 emissions reduction targets currently in place.

28. BEFORE ANY WORK STARTS ON SITE, a copy of the bat licences obtained from Nature Scot together with the SNH approved Protection Plans shall be submitted to, for the written approval of Fife Council as Planning Authority.

Reason: To ensure the protected species are not impacted by the proposed development.

## **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:

The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009  
Scottish Planning Policy (2020)  
PAN 1/2011: Planning and Noise  
PAN 33: Development of Contaminated Land (2000)  
Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)  
Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)  
Wildlife and Countryside Act 1981 (as amended)  
Wildlife and Natural Environment (Scotland) Act (2011)  
Nature Conservation Scotland Act 2004 (as amended)  
Bat Conservation Trust Publication on Bat Surveys for Professional Ecologists (2016)

Development Plan:

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Low Carbon Fife: Supplementary Guidance (2019)

Other Guidance:

Fife Council Planning Customer Guidelines - Daylight and Sunlight (2018)

Fife Council Planning Customer Guidelines - Minimum Distances between Window Openings (2011)

Fife Council Transportation Development Guidelines

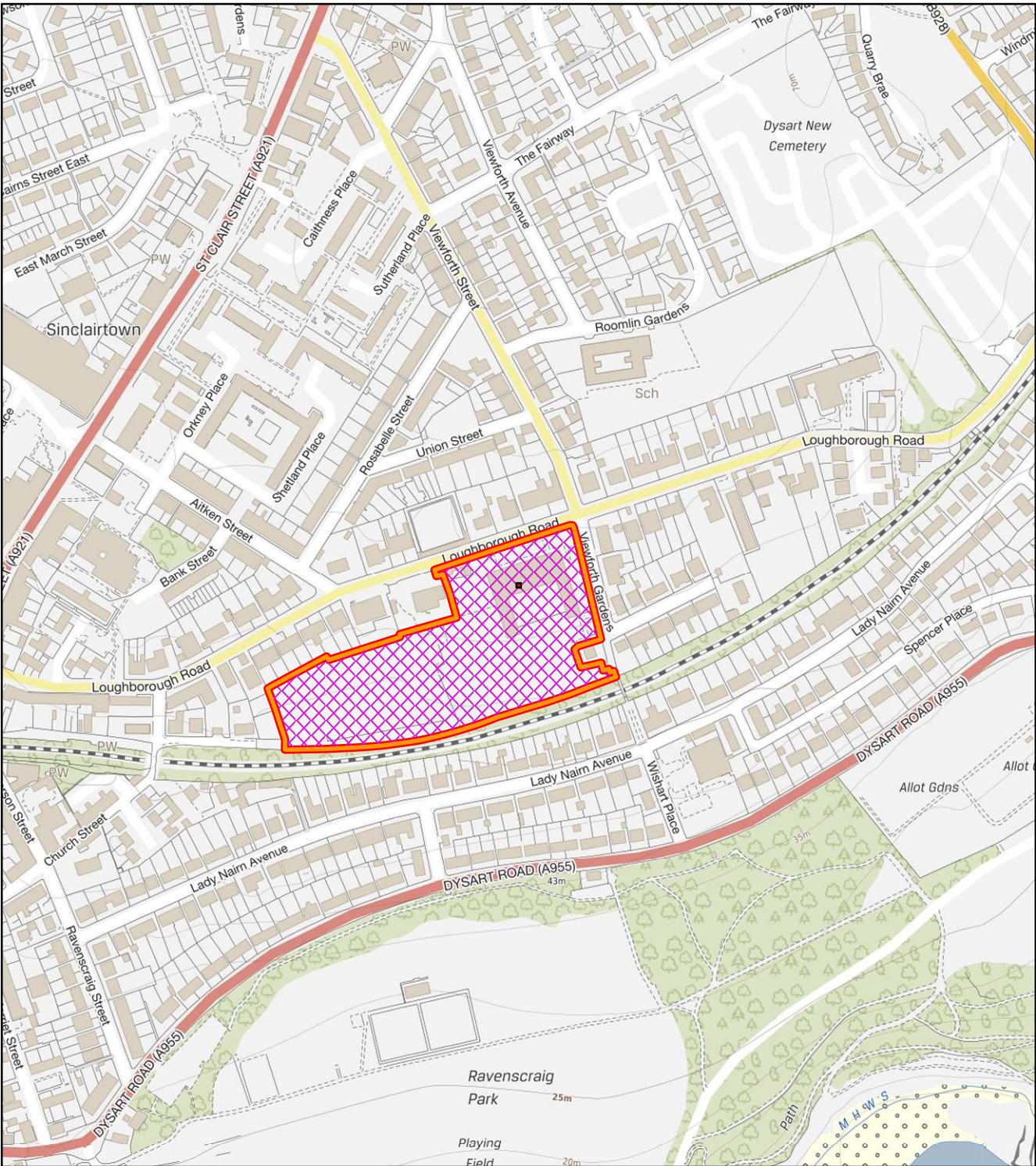
Fife Council Sustainable Drainage Systems (SUDS) - Design Criteria Guidance Note

Report prepared by Natasha Cockburn

Report agreed as work in progress by Alastair Hamilton, Service Manager (Committee Lead)  
5.3.21.

Date Printed 08/02/2021

Viewforth High School Loughborough Road Kirkcaldy



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<p>Legend</p> <div>  Application Boundary </div> <div>  </div>			 <p>Economy, Planning &amp; Employability Services</p>
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**ITEM NO: 5****APPLICATION FOR FULL PLANNING PERMISSION REF: 19/02406/FULL****SITE ADDRESS: INVERKEITHING PRIMARY SCHOOL ROADS ROAD  
INVERKEITHING****PROPOSAL : ERECTION OF 28 AFFORDABLE DWELLINGHOUSES  
(DEMOLITION OF EXISTING BUILDINGS), INCLUDING  
ASSOCIATED ACCESS, LANDSCAPING AND  
INFRASTRUCTURE****APPLICANT: ANDRAIL LTD  
154 ST VINCENT ST GLASGOW SCOTLAND****WARD NO: W5R06  
Inverkeithing And Dalgety Bay****CASE OFFICER: Natasha Cockburn****DATE 29/10/2019  
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

it is considered expedient to allow the listed building consent (19/02399/LBC) and associated full planning application to both be determined by Committee to allow the applications the same route of appeal

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

**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 the site of the former Inverkeithing Primary School, which has been vacant since the new Inverkeithing Primary School was built in 2006. The site previously contained two Category C Listed buildings, one being the single storey ancillary building dating back to 1872 - 'H Block' - and the two-storey main school building, dating back to 1913. The buildings were designed by notable architect Andrew Scobie. The description of the listing from 2004 indicates the growing recognition for the importance of this branch of civic architecture and the work of the architect Andrew Scobie in Fife. The 1913 school building was subjected to a fire in November 2018, resulting in severe damage to that building, although the 1872 building was not damaged. The damage caused by the fire has resulted in the 1913 main school building being de-listed by Historic Environment Scotland. The 1872 building remains Category C Listed.

1.1.2 The site is located within the settlement boundary of Inverkeithing, situated within a predominantly residential area, to the east side of Roods Road. The site slopes from the western boundary with Roods Road where there is a change in level of approximately 3m. There is also a further level change within the former playgrounds through the middle of the site in front of the ancillary building by approximately 2 metres. The site sits behind existing properties to the east of the site, which sit significantly below the ground level of the site, facing onto the B981. The site is not visible from the B981 due to the level changes and the houses and church that sits in front. The site is prominent within the setting of Roods Road, on the west side. The residential properties to the north of the site also sit significantly lower than the site itself. A car park sits to the south of the site, behind the Queens Hotel which is to the south east of the site facing onto the B981. The car parking spaces are used by existing residents although are not allocated spaces.

1.1.3 Sitting adjacent to the site on the eastern side are the Category A Listed former St Peters Church Hall (Fordell Lodgings) and the Category C Listed Queens Hotel. The application site is allocated for housing in the Adopted FIFEplan - Fife Local Development Plan (2017) under proposal INV 004 with an estimated capacity of 42 units. This allocation reflects the most recent approved Planning Permission and Listed Building Consent for the conversion of the listed buildings to residential use and the erection of two new buildings.

### 1.2 Proposal

1.2.1 This application seeks permission to erect 28 affordable dwellinghouses with associated infrastructure, including the demolition of the existing C Listed Buildings. Vehicular access would be taken from the north east, off Roods Road, where there is an existing access point. The dwellings would comprise of a mix of terraced and semi-detached properties with 13x 2 bed units, 9x 3 bed units and 6x 5 bed units. An area of amenity space with seating, is identified in the centre of the site and to the south. The majority of the parking is communal with parking

courts to the east and a strip of amenity space and 'public garden' is indicated in the southeast corner of the site, adjacent to the steps down to the town centre. The existing footpaths are proposed to be retained to the south and a link footpath is proposed to the south east, behind Inverkeithing Baptist Church, which would lead to the town centre.

1.2.2 The application proposes to retain the existing wall head along the frontage of the site, with cope and railings being replaced using material recovered from within the site to match existing, where they have previously been removed. Within the amenity space, the date stone and surrounding arch detail of the original building is proposed to be removed and built as a feature within the boundary wall at this location. The boundary wall of Plot 20 is proposed to be finished in recovered stone and cope. Low level stone walls are proposed along the front boundaries of the proposed properties

### 1.3 Planning History

1.3.1 Listed Building Consent (LBC) for alterations to the former school building to create residential accommodation with associated car parking and external works (42 residential units and 56 car park spaces) (10/03809/LBC) and associated Full Planning Permission (10/03625/FULL) were permitted in May 2011.

1.3.2 Full Planning Permission for the erection of 28 affordable dwelling houses (demolition of existing buildings) including associated access, landscaping and infrastructure was withdrawn in October 2018 (17/01391/FULL) along with associated Listed Building Consent application for the demolition of the buildings (17/01429/LBC).

1.3.3 Both applications were recommended for refusal by officers at West Planning Committee in December 2017, however West Planning Committee recommended that the LBC for the demolition of the listed buildings was approved and the FULL application was continued, to resolve outstanding issues and obtain supporting information (including a bat survey).

1.3.4 Members agreed to a schedule of conditions in February 2018 and Scottish Ministers were notified of the LBC because Historic Environment Scotland (HES) had formally objected as a Statutory Consultee. Scottish Ministers then advised that they could not consider the Listed Building Consent application until a bat survey had been submitted. Whilst the application for Full Planning Permission did not need to be notified to Scottish Ministers, it too required a bat survey to be submitted prior to a decision being issued. It transpired that the applicant had not carried out a bat survey in October 2018, therefore, as the bat survey period had been missed, the applicant elected to withdraw the applications to allow them further time to carry out and submit a bat survey. Within this time, the main school building was subjected to a fire. Following the fire, it was established that some damage had occurred to the main school building therefore HES decided to undertake a listing review of the site. They have confirmed that they have removed the listed status of the main C Listed school building, however the block to the north of the site ('H Block') was not damaged in the fire and still has merit as a Listed Building, so the building remains C Listed.

### 1.4 Application Process

1.4.1 The application has been advertised in the Edinburgh Gazette and the Courier as a development affecting a Listed Building and Conservation Area.



1.4.2 The application is for less than 50 residential units and therefore does not fall within the Major Applications Class of the Scottish Government's Hierarchy of Development. The applicant was therefore not required to carry out any formal public consultation exercise prior to the submission of the application. Fife Council as Planning Authority, carried out the neighbour notifications as required with all applications for planning permission.

## 2.0 ASSESSMENT

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

- Principle of Development
- Justification/Impact on Listed Building
- Design of Replacement Building
- Natural Heritage
- Residential Amenity
- Garden Ground
- Road Safety
- Open Space
- Drainage and Flooding
- Contamination/Land Instability
- Affordable Housing
- Sustainability

### 2.2 Principle of Development

2.2.1 Scottish Planning Policy (2020) (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act. The Local Plan is the preferred mechanism for the delivery of housing/residential land rather than individual planning applications.

2.2.2 SPP (2020) introduces a presumption in favour of sustainable development. Paragraph 28 states that 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.

2.2.3 Planning policies and decisions should support sustainable development. For the purposes of this policy, to assess whether a policy or proposal supports sustainable development, the following principles should be taken into account:

- 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.

2.2.4 Adopted SESplan - Strategic Development Plan (2013) Policy 1B, states that Local Plans will ensure that there are no significant adverse impacts on the integrity of, amongst other matters, listed buildings.

2.2.5 The Spatial Strategy of FIFEplan supports growth in the economy of Fife, balanced with the need to protect Fife's outstanding cultural and natural assets. Policy 1 of FIFEplan (2017) sets out the Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts. Such development proposals must meet one of the points in Part A and conform to all applicable requirements in Parts B and C.

2.2.6 Part A of this Policy sets out that the principle of development will be supported if it is either:

- a) within a defined settlement boundary and compliant with the policies for the location; or
- b) in a location where the proposed use is supported by the LDP.

2.2.7 Part B of Policy 1 states that development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant:

1. Mitigate against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure.
8. Avoid flooding and impacts on the water environment.
10. Safeguard the characteristics of the historic environment, including archaeology.

2.2.8 Part C sets out that all development proposals must be supported by the following information to demonstrate compliance with the terms of the development plan and other material considerations.

1. Meet the requirements for affordable housing and Houses in Multiple Occupation
2. Provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal;
3. Provide measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland;
4. Provide green infrastructure as required in settlement proposals and identified in the green network map;
5. Provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site or flood assessments;
6. Meet the requirements of any design briefs or development frameworks prepared or required for the site;
7. Provide a layout and design that demonstrates adherence to the six qualities of successful places as set out in the Government's Creating Places policy;
8. Provide for energy conservation and generation in the layout and design; and

9. Contribute to achieving the area's full potential for electricity and heat from renewable sources, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations.

2.2.9 The application site is identified within the Adopted FIFEplan - Local Development Plan (2017) as being located within the settlement boundary of Inverkeithing within a proposed housing site, under proposal INV004 with a capacity of 42 units. Proposal INV004 references the existing permissions but includes no further requirements. The proposal to demolish the existing buildings and erect 28 houses represents a departure from the approach to the development of the site which is established through the planning permission.

2.2.10 A small part of the site is within the Inverkeithing local shopping area, this land provides a link between the site and the High Street. This is an important linkage, which the proposal retains.

2.2.11 Policy 1 of the Adopted FIFEplan supports development proposals if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Such development proposals must meet one of the points in part A of Policy 1 and all applicable requirements in parts B and C. Part A supports the principle of development if it is within a defined settlement boundary and compliant with the policies for the location. Part B requires development proposals to address their development impact by complying with the relevant policies and criteria related to the proposal, as does Part C. These requirements are considered throughout this report.

2.2.12 The main material consideration in terms of the principle of this development is whether the loss of the remaining listed building on the site is acceptable and whether the proposed replacement buildings are appropriate. This is considered further in section 2.3 below. As discussed above, the proposals do not comply with proposal INV004 of the Adopted FIFEplan - Local Development Plan (2017).

## 2.3 Justification/Impact on Listed Building

2.3.1 SPP (2020) paragraph 141 – 142 advises that changes to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

2.3.2 Adopted SESplan - Strategic Development Plan (2013) Policy 1B, states that Local Plans will ensure that there are no significant adverse impacts on the integrity of, amongst other matters, listed buildings.

2.3.3 The Historic Environment Policy for Scotland (2019) (HEPS) states that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place. It also states that decisions affecting the historic environment should contribute to the sustainable development of communities and places.

2.3.4 Historic Environment Scotland's Managing Change guidance 'Managing Change in the Historic Environment: Demolition of Listed Buildings' (2019) reinforces the issues outlined in the SPP in relation to Listed Buildings and states that in the case of applications for the demolition of listed buildings it is Scottish Ministers policy that there is a strong presumption in favour of retaining listed buildings and the decision to demolish a listed building is a last resort, which will almost always be made at the end of a process that has considered and discounted all other feasible options. The accompanying 'Managing Change in the Historic Environment: The Use and Adaptation of Listed Buildings' provides guidance on different approaches to reusing listed buildings and should be read alongside the demolition guidance when considering the options for listed buildings.

2.3.5 The guidance notes that in some circumstances, a listed building may no longer be of special architectural or historic interest. This might include where there has been a significant loss of fabric or features of interest. In this regard, there was a fire in the main C Listed school building in 2018, which prompted Historic Environment Scotland to carry out a review of the listed status of the whole site. HES have advised that their review has confirmed the significance of the H-plan 1874 school as a category C listed building, and the fire damaged 1913 building is now excluded from the listing. Advice from HES is therefore that the 1874 building should be retained. This recent review of the site cements the remaining undamaged building as an important historic asset that should be retained.

2.3.6 The guidance note sets out the exceptional circumstances where consent may be granted for the demolition of a listed building:

- the building is not capable of meaningful repair
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community
- economic viability

2.3.7 Policy 14 of the Adopted FIFEplan - Fife Local Development Plan (2017) states that development which protects or enhances buildings or other built heritage of special architectural interest will be supported. Proposals will not be supported where it is considered they will harm or damage Listed Buildings or their setting, including structures or features of special architectural or historic interest. It continues that there is a presumption against the demolition of listed buildings, consistent with the Historic Environment Policy Statement, unless a case has been made under one of the prescribed grounds set out in Historic Environment Scotland's Managing Change in the Historic Environment: Demolition of Listed Buildings.

2.3.8 Objection comments have been received, which express concern that the listed building on the site is an important cultural asset to the area, and justification for its loss has not been provided. Historic Environment Scotland (HES) in their first consultation response of 31 October 2019 set out that they object to the application because they do not consider the demolition of the H-plan 1874 building to be justified. However, they consider the demolition of the 1913 main

school building can now be justified. They advised that the 1874 building is a good representative example of a school built just after the 1872 Education Act and has not been significantly altered or extended. The raising of the school leaving age and necessary expansion of secondary education facilities resulted in the enlargement of many early school buildings, often of a more classical style of architecture. In Inverkeithing, a new building was constructed allowing the 1874 building to retain its original character and appearance. The most significant decorative features are the large east facing windows with Tudor detailing. HES consider the 1874 building still meets the rigorous criteria to be designated a listing building.

2.3.9 HES consider the 1913 building no longer meets the criteria for listing because of extensive loss of fabric caused by the 2018 fire. This does not mean the building has no interest - historic schools are frequently valued landmarks within a community contributing to their sense of place.

2.3.10 The application intended to support the case for the demolition of both buildings on economic viability grounds. However, as it is considered that the 1913 building no longer meets the criteria for listing, this changes what HES consider a future developed site could look like. For example, the demolition of the 1913 building would appear to allow greater scope for new build and it was put to the applicant whether this could cross-fund retention, repair and reuse of the 1874 building.

2.3.11 It was put to the applicant that the demolition of the 1874 building needs to be clearly demonstrated and justified, separately from the 1913 building. Following discussions with the applicant regarding the need for the provision of a clear justification for the demolition of the 1874 building, the applicant submitted further information and justification. HES were consulted and retained their objection to the demolition of the 1874 building. The applicant provided an argument that demolition is essential to delivering significant benefits to economic growth or the wider community. As HES had previously advised throughout consideration of the 2017 applications, projects which fall under that category are generally of national or regional importance. Whilst the figures presented in support of the argument are noted, and it is acknowledged that the proposed demolition and redevelopment would bring some benefits, it is not considered that the benefits are of such significance as to outweigh the presumption for retaining the listed building.

2.3.12 A further argument that demolition is required to allow access to a redeveloped site is put forward by the applicant. Due to the technical nature of this argument, HES did not comment in detail, however they did note that the current access arrangements should not prevent re-use of the building. In this regard, Fife Council Transportation Development Management have been consulted and have advised that the applicant has not considered all alternative potential access points before considering that demolition is the only option. The applicant has provided various drawings which were requested, to show that bringing an access to an adoptable standard into the site, whilst retaining the listed building, would result in large retaining walls which would significantly impact on the historic character of the listed building. It is agreed that the options that the applicant has put forward would not be acceptable. However, all options should be explored before resorting to the demolition of a listed building and there is the option of either retaining the existing access point as a private access into the site (which was previously approved in 2010) or taking access from the existing car park to the south of the site. These options should be explored first, before resorting to demolition. The area in question is owned by the Council, and TDM have advised that there would be no concern with an access being taken from the car park - the levels would be appropriate, sufficient parking could remain and access to the substation at that location could be retained. This has been put to the applicant, but they

are not willing to discuss or review this option in any detail. They have requested that the application is determined based on the information submitted thus far.

2.3.13 HES conclude by advising that they are not convinced that demolition of the surviving Board School has been justified. They advise that they would be keen to see a scheme come forward that would include the repair and reuse of the listed building and remain willing to discuss potential solutions with the applicant. They note that recent changes to the designation mean that there is a greater scope in the potential development of the wider site, with a consequent improvement in the site's viability. As previously mentioned, the applicant has been approached to discuss further potential options but they are not willing to explore the options any further.

2.3.14 The Council's Built Heritage Team were consulted on the application. The advice from Fife Council over a number of years and applications has been to consider the retention and adaptation of the listed buildings and their historic setting. There is no submitted information asserting that the northern building is in poor condition which, despite lack of occupation and maintenance, appears sound. Built Heritage consider that the retention of the 1874 building and its conversion to residential accommodation would be supported. They would still look at facade retention of the 1913 building, with demolition not being supported by Fife Council Built Heritage. In regard to the applicant's argument of community benefit, Fife Council Built Heritage have noted the considerable level of community objection, which highlights a community support for the retention of the old school buildings.

2.3.15 It should be noted that, should consent be granted to demolish the building, all features such as the entrance gates, boundary walls, stone steps should be repaired and reinstated as part of the project. The preservation of materials that are scarce and valuable, including the majority of elements that would have been made by hand, should as far as possible be preserved through and demolition process and salvaged for re-use. An appropriate method statement for demolition and salvage should also be submitted if consent was be granted to demolish.

2.3.16 Overall, it is the statutory duty of Fife Council to ensure that there is no other viable option that would retain and repair the C Listed Building, putting them back into use. It is also Fife Council's statutory duty to assess the application against the HES guidance, with the support and advice of HES.

2.3.17 On the basis of the information provided, supporting information presented to justify loss of the C Listed Building falls short of what would be expected and the proposal does not meet the policy and guidance requirements of national and local policies with respect to works to Listed Buildings, in particular the demolition tests set out in HES guidance. The proposals therefore cannot be supported in principle. If Members were minded to approve the application, with or without conditions, against HES advice, Scottish Ministers would have to be notified before any decision can be made.

## 2.4 Design of Replacement Buildings

2.4.1 Scottish Planning Policy (2020), Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017), the Making Fife's Places Supplementary Guidance Document (2018) and Historic Environment Scotland (HES) Historic Environment Policy for Scotland (May 2019) apply with regard to this proposal.

2.4.2 SPP (2020) sets out that planning should support developments that are designed to a high-quality and demonstrate the six qualities of successful place. SPP (2020) additionally advises that the design, materials, scale and siting of new development should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and to ensure that its special characteristics are protected, conserved or enhanced. It 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.

2.4.3 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Additionally, Policy 10 of FIFEplan (2017) advises that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported, whilst also setting out that developments are expected to achieve the six qualities of successful places; distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and easy to move around and beyond.

2.4.4 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. It additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how developments proposals can be evaluated to ensure compliance with the six qualities of successful places. The Supplementary Guidance contains a site appraisal matrix and its use is encouraged to assist in evaluating the design of a proposal and to secure a positive contribution to the quality the built environment in Fife.

2.4.5 HES Historic Environment Policy for Scotland (HEPS) (2019) advises that new work, including alterations to historic buildings shall enhance those properties' surroundings. This document, in essence, is a good practice guide for developments involving the historic environment, including conservation areas.

2.4.6 The approach of the 2013 consent for conversion of the two listed buildings, together with two contemporary new build blocks as enabling development was supported in terms of urban design and townscape issues. The existing buildings have cultural value to the community as well as being an important feature of the townscape that can be seen from many locations across the town. The removal of these buildings would therefore not be welcomed in urban design terms.

2.4.7 The current proposal would demolish both buildings and replace them with 28 semi-detached and terraced units. The proposed layout does not take account of the site characteristics. The proposals represent a standard 2 storey suburban house design with roughcast finish and roof tiles. There is no evidence within the submission to demonstrate how it meets the 6 qualities of successful places. Given the strong sense of place and townscape presence offered by the existing listed structures, the proposal is not considered to contribute positively towards townscape enhancement or presentation of a distinctive development. It is noted that recovered stone would be used in some elements of boundary treatment. However, this generally positive aspect does not overcome the overall lack of contextual influences within the overall design and layout.

2.4.8 The retention of the existing retaining walls and arched gateways plus the pedestrian route down to the High Street is considered fundamental and the layout appears to take these factors into account, which is welcomed. However, the proposed built form, materials and layout is not considered to be informed by contextual analysis and is not considered an appropriate design response to the site. Any acceptable proposal should be based on retaining the existing listed building and the overall arrangement of buildings and spaces on the site. Any stone from demolition of the buildings/ features should be reused as part of redevelopment proposals.

2.4.9 Overall, the proposals do not respond to the context of the site and the loss of the listed buildings is not considered to be acceptable. Accordingly, the proposals do not comply with policy 14 of the Adopted FIFEplan or Making Fife's Places and the proposals are not acceptable in design terms.

## 2.5 Natural Heritage

2.5.1 Policy 13 of the Adopted FIFEplan only supports proposals where they protect or enhance natural heritage and access assets, including designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest; designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Sites, and Local Landscape Areas; woodlands (including native and other long established woods), and 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; carbon rich soils (including peat); green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation. Making Fife's Places Appendix A sets out that adequate ecological assessments must be carried out for any proposed development and sufficient information submitted with the application.

2.5.2 A bat survey was submitted with this application. The survey found that it would not be likely that there would be any impact on foraging/commuting routes, no disturbance of bat roosts and no disturbance of hibernation routes. The survey recommends that there are no licencing requirements identified during this survey, however if there is a delay to the proposed demolition beyond December 2020 then further surveys would be required. It is considered that this requirement could be covered by an appropriate planning condition rather than a reason for refusal in this instance, given the bat survey has been undertaken and no issues were found in this regard. The updated survey would be a precautionary measure to ensure there have been no significant changes since the first survey was undertaken.

3.5.3 The main building on the site has been damaged by fire and the majority of the site is hardstanding. There are some areas of grass, shrubs and trees within the site but the proposals include the removal of the trees. Fife Council Natural Heritage Officers have been consulted and advise that the existing buildings, trees and shrubs may be used by nesting birds. As nesting birds are protected under the Wildlife and Countryside Act 1981 as amended, any building demolition and vegetation clearance must avoid the bird breeding season. No landscaping plan or details of biodiversity enhancement have been provided with the application. To maximise biodiversity, native species of native origin should be specified for use within the site. The use of rain gardens, integrated bat roost boxes and integrated bird nesting boxes, and wildflower grassland should also be considered, rather than amenity grass. Whilst important information to consider, this could be covered through an appropriate condition therefore is not a reason for refusal in this instance.



## 2.6 Residential Amenity

2.6.1 Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distances between Window Openings (2011) provide guidance on the design of residential areas that incorporates concerns surrounding residential amenity. The Adopted FIFEplan Policy 10: Amenity seeks to ensure that new development does not impact on the privacy, sunlight or daylight enjoyed by existing properties.

2.6.2 In assessing residential amenity, attention should be paid not only to existing adjacent neighbours to the site but also to the interaction of the proposed houses to each other within the site. Due to the siting and distance of the proposed dwellings from existing dwellings outwith the site, it is not anticipated that privacy issues could arise for the existing dwellings outwith the site. Window to window distances are over the 18m required within Fife Council's Planning Customer Guideline on Minimum Distances Between Window Openings throughout the site and in relation to all existing properties outwith the site.

2.6.3 Rear garden depths are 8m and over throughout the site, which complies with the requirements of the Fife Council Garden Ground Customer Guideline. The minimum 18m window distance requirements would be achieved for all but plot 21, which contains a first floor bedroom window 10m from the neighbouring window to the north. This would not however, allow overlooking into the neighbouring window of number 26 Roods Square, because the neighbouring property sits much lower than the proposed dwelling at Plot 21 therefore the proposed window would overlook the roof of the neighbouring property and any boundary treatment. A 1.8m high boundary fence would ensure the ground floor windows would not overlook the neighbouring properties gardens to the north. The proposed units to the south are over 22m from the existing neighbouring properties to the south therefore no privacy issues would occur at this location.

2.6.4 Fife Council's Planning Customer Guidelines - Daylight and Sunlight (2018) advocates that 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 to nearby properties are avoided.

2.6.5 The layout and orientation of the proposed development ensures that the new development will not result in overshadowing to neighbouring properties within or outwith the site to a significant extent.

2.6.6 As there are neighbouring residential properties already existing it is important to ensure that they are not disturbed unreasonably by any noise, dust or vibration during the construction phase. Particular care should be placed on whether 'Piling works' are required at the construction phase and this should be managed with the public in mind and in accordance to the best practice as set out in BS5228 and detailed in a 'Scheme of Works'. Working times and the submission of a 'Scheme of Works' to ensure amenity issues during construction (noise, dust etc.) are mitigated for could be covered through conditions.

2.6.7 In conclusion, the development meets the terms of the above noted guidance and Policy 10 in terms of residential amenity.

## 2.7 Garden Ground

2.7.1 Fife Council's Planning Customer Guidelines on Garden Ground (2007) advises that new dwellinghouses shall have private garden ground of at least 100 square metres per dwellinghouse with 50 square metres of private amenity ground for flats. Policy 10 of the Adopted FIFEplan seeks to protect the amenity of existing and proposed land uses.

2.7.2 Whilst the proposal scheme would not wholly comply with the 100 square metres guideline it is considered that a relaxation in this instance could be acceptable (if all other matters had been considered acceptable) due to the small scale and constrained nature of the site. It is therefore considered that the proposed development would be served by adequate levels of garden ground, if the demolition of the listed building was accepted. In addition, permitted development rights could be removed from these dwellings in order to ensure the garden grounds cannot be overdeveloped in future.

2.7.3 On balance, it is therefore considered that, whilst the development does not meet the above noted guidance, it could provide an acceptable level of garden ground that meets the terms of Policy 10, should all other matters be considered acceptable.

## 2.8 Road Safety

2.8.1 Policy 3 of the Adopted FIFEplan requires proposals to demonstrate how they provide footpaths, cycleways and roads designed for all users which integrate in with existing footpaths, cycleways and roads; provide safe routes to public transport, schools, and community facilities; link to the existing or planned public transport network. Where public transport provision is limited, opportunities should be investigated for the introduction of an enhanced service to serve the site; address any impacts on road safety, particularly impacts on community facilities such as schools or parks; and address impacts on the local road network and the railway network including capacity. Once impacts have been identified through Transport Assessments, mitigation must be identified and agreed prior to an application being determined; Making Fife's Places Supplementary Guidance provides guidance on the design of movement routes for new development.

2.8.2 The proposed layout shows the provision of a prospectively adoptable road serving the site. To comply with the maximum longitudinal gradient of 8% (1 in 12.5) the existing private access would be raised by up to 1.5 metres adjacent to the northern boundary of the site.

2.8.3 There is a significant level difference on the northern boundary of the site where there is an existing masonry wall retaining the school site. The northern channel line of the proposed vehicular access is located 4 metres from the retaining wall but would be supported by it and therefore the retaining wall would have to comply with the requirements of the Design Manual for Roads and Bridges, in order that it can be added to the List of Public Roads. Access to the northern face of the retaining wall would be required for maintenance purposes.

2.8.4 The existing northern boundary wall would be increased in height between 0.5 metres and 1.5 metres. The raised existing retaining wall would require a pedestrian barrier and a vehicle restraint barrier at the rear of the proposed footway/verge. The maximum increase in retention of 1.5 metres coincides with the rear garden of plot 28 which would have a 1.8 metres high boundary fence. Therefore, the height of the boundary wall/ fence to the rear of 27 - 33 Roods Square would increase by 2.3 metres.

2.8.5 To address this issue, a typical cross-section through the existing and proposed boundary walls has been submitted by the applicant. This shows that a retaining wall supporting the new

access road can be installed, without requiring changes to the existing boundary wall and providing adequate inspection and maintenance space.

2.8.6 The applicant originally proposed a shared surface street, however this was not acceptable given the number of dwelling units proposed exceeds 15 and the longitudinal gradient of 8% exceeds the maximum acceptable long gradient of 7%. This has been addressed with a proposed housing street being provided, in-lieu of a shared surface street.

2.8.7 Objection comments have been received with concerns regarding the lack of parking proposed, and the impact that the proposals would have on parking in the area. In terms of parking, five of the proposed dwellings would be provided with 2 allocated parking spaces each, which is acceptable. According to the current Fife Council Parking Standards, the remaining 23 houses require 44 communal car parking spaces. The proposed layout shows the provision of 38 communal car parking spaces, resulting in a shortfall of 6 car parking spaces. This would provide 165 percent communal parking spaces for 33 houses. As the site is located within the town centre and is within a reasonable walking distance of the railway station, a minor shortfall is accepted in the communal off-street car parking provision in this instance, as the provision of 165 percent communal parking spaces is reasonable.

2.8.8 Due to the level difference between the site and Church Street, the proposed pedestrian link requires steps, which is not ideal for the mobility impaired. The footpath on the frontage of plots 22 - 24 would be required to extend northwards to link with the existing adopted footpath on the north side of Inverkeithing Baptist Church. Some of the proposed detailing is not acceptable and would have to be amended through conditions - the hedge between the layby spaces fronting plots 4 and 5 and the small grass area and stone wall on the entrance to the parking court would have to be removed.

2.8.9 The applicant submitted two options, shown on documents 46 and 47, to provide a prospectively adoptable road and retain the existing listed H block. Having considered the options, none are acceptable to TDM Officers. Both options show too many prospective new retaining walls with no space between the retaining walls and existing building for routine inspections and maintenance. Option B - restricting forward visibility does encourage lower vehicle speeds. However, vehicles leaving would have to give-way to vehicles entering and the existing building would mean that drivers could not see vehicles entering the site from Roods Road and there is a risk that the pinch-point at the corner would be overrun. The proposed road retention cross-section (document 46) is acceptable in principle in transportation terms, but requires the demolition of the H block building which, as mentioned in the sections above, is not supported.

2.8.10 TDM have advised that there does not appear to be a way of providing a prospectively adoptable road from the existing vehicular access and retain the listed H block. The 2010 planning permission was granted on the premise that the vehicular access would remain a shared private access.

2.8.11 TDM consider that the applicant could explore the possibility of the site being served by a shared private access with its long-term maintenance being factored. This would be contrary to Making Fife's Places SG - Transportation Development Guidelines; a refuse vehicle may refuse to enter the site; excessive long gradient would cause difficulties for vehicles in icy conditions; and long-term maintenance would be a problem when residents stop paying factor fees. However, this is an option that would be considered in order to retain the listed building which the applicant is not proposing in this instance.

2.8.12 TDM advise that the parking courtyard to the south is owned by Fife Council. It should be possible to form a vehicular access through the courtyard to serve the site. There would still be level issues to address but much less requirement for retaining walls and the H block could be retained. The existing vehicular access could then be retained as a pedestrian/cyclist access and the parking spaces for the existing residents would have to be retained/replaced. The main issue with this option would be ensuring the vehicular access to the sub-station is retained. This is considered to be a viable option that should have been explored if access was proving to be an issue.

2.8.13 In terms of transportation, the proposals would be acceptable in their current form, subject to minor amendments outlined above. The amendments could be covered through condition as they are minor, if the other matters were to be resolved. It is therefore considered that the proposals, subject to conditions, could comply with Policy 3 of the Adopted FIFEplan - Local Development Plan (2017) and Making Fife's Places in regards to transportation.

## 2.9 Open Space

2.9.1 Making Fife's Places states that The Fife Greenspace strategy set the aspiration that all residents in Fife will be within 250m of a 0.2 hectare open space. New housing developments of over 10 residential units will be expected to provide 60m<sup>2</sup> of green space for each new dwelling. Based on the proposed development of 28 units, the expected area of green space equates to 1680sqm in this instance. Making Fife's Places specifies that there may be some flexibility in this requirement for sites/parts of sites that are located near existing greenspaces. Where a site is within 250m walkable distance of an existing open space, a contribution to the upgrade of existing open space or green network would be required.

2.9.2 The proposal includes two areas identified as 'amenity space' in the centre of the site and to the south east. Fife Council Parks and Countryside officers have been consulted on this application and have requested a contribution towards play facilities at the rate of £300 per unit and have suggested that Friary Gardens is the nearest play area at approximately 400m from the site. However, in accordance with the Planning Obligations Framework 2017, as the development is for affordable housing and on previously developed land, it is exempt from contributions. It would therefore be unreasonable to request a contribution towards open space for this development.

2.9.3 To conclude, given the site is a brownfield site and for affordable housing, contributions towards nearby green space would not be required. It is considered that an appropriate area of green space could be included on the site and the proposals would be acceptable in this regard, in accordance with Making Fife's Places, FIFEplan Policy 4 and the Planning Obligations Supplementary Guidance.

## 2.10 Drainage and Flooding

2.10.1 Policy 3 of the Adopted FIFEplan requires development to utilise SUDS systems for surface water drainage. Development will be required to show how it links to the drainage system to the acceptance of the Council, Scottish Water, and Scottish Environment Protection Agency (SEPA). Capacity information and connection requirements will be provided by Scottish Water. As a general rule, development with a drainage requirement will be expected to use a public sewer connection; or if a public sewer connection cannot be achieved at a reasonable cost, use a private waste water treatment plant which must prevent any flooding or pollution and

which must be adequately maintained through a legal agreement which the developer must enter into to cover ownership and maintenance. Where private foul drainage arrangements are proposed that will discharge to the environment, SEPA will be required to be consulted on the acceptability of the proposals under the Water Environment (Controlled Activities) Regulations 2011 (as amended). If upgrades to the present waste water treatment works are needed this will be required before development can commence. Scottish Planning Policy expects development and infrastructure to be designed to be free from surface water flooding. This policy will be used to assess whether development proposals: accommodate the requirements of any drainage strategies of assessments carried out for the site; have sufficient space within the site to accommodate sustainable drainage; and include an appropriately designed sustainable drainage system. Making Fife's Places Supplementary Guidance provides guidance on the siting and requirements of SUDS proposals.

2.10.2 Fife Council Flooding, Shoreline and Harbours Officers have requested further information. They require detail of the overflow arrangement within the Hydrobrake chambers and from the attenuation storage in case of blockage, plus confirmation of who will adopt/vest and maintain the surface water system outwith property boundaries, including any SUDS. It should be noted that Fife Council will only adopt SUDS features that deal with surface water from public roads. This information has been requested from the applicant but has not been submitted.

2.10.3 On this basis, further information is required in regards to drainage and flooding. The proposals can therefore not be considered to comply with FIFEplan (2017) Policies 3 and 12 in regards to flooding and drainage.

## 2.11 Contamination/Land Instability

2.11.1 Policy 10 of the Adopted FIFEplan only supports development if it does not have a significant impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality and contaminated and unstable land. Where proposals involve the remediation of contaminated land, or building on unstable land, developers must demonstrate to the Council's satisfaction that measures will be taken to ensure that contamination or stability issues on the development site and the adjacent land are addressed. Development proposals will be accompanied by a site investigation to assess the nature and extent of any risks and a remediation strategy. This will require to be agreed by Fife Council in conjunction with Scottish Environment Protection Agency and, where appropriate, the Coal Authority. As well as addressing impact on the quality of life of local residents, consideration will also be given to safeguarding the continued functioning of existing business and commercial facilities.

2.11.2 Fife Council Land and Air Quality officers have been consulted and have advised that, given the various stages of development associated with the former school there are likely to be significant pockets of made ground across the site. It is therefore advised that an appropriate contaminated land site specific risk assessment is undertaken in accordance with the advice contained in guidance booklet 'Advice for Developing Brownfield Sites in Fife'. This assessment may include the relevant testing of soils, waters, gases and vapours in order to adequately characterise the potential type(s), nature and scale of contamination associated with the site. The outcomes of such investigations will determine the remedial measures which may be required, details of which should be submitted for approval. This information could be adequately covered through appropriate conditions.

2.11.3 The proposals could comply with Policy 10 in regards to land and air quality, subject to the aforementioned conditions.

## 2.12 Affordable Housing

2.12.1 PAN2/2010 sets out government advice on the provision of affordable housing. Fife Council's Supplementary Guidance on Affordable Housing (2018) considers that housing proposals must accord with the structure plan housing land requirement. Policy 2 of the Adopted FIFEplan mirrors the current PSG position on affordable housing. Policy 4 of the Adopted FIFEplan and Fife Council Planning Obligations Framework 2017 states that affordable housing is exempt from planning obligations.

2.12.2 Objection comments have been received with concerns that the proposals are not supported by Housing Services and therefore there is no need for affordable housing on this site. Fife Council Housing Services have advised that the housing mix presented in the planning application has yet to be determined by Fife Council to ensure it reflects the needs for affordable housing identified at the Dunfermline & The Coast Local Housing Strategy Area (LHSA). The project should be delivered in conjunction with either Fife Council or Kingdom Housing Association. At this stage the project has not been included in the Strategic Housing Investment Plan (SHIP) and the allocation of Scottish Government funding for this project has still to be agreed.

2.12.3 Therefore, it is not clear that the proposals will meet an identified need for affordable housing. Further information would be required in this regard. However, this would not be suggested as a reason for refusal of this planning application, as further details could be required through an appropriate planning condition.

## 2.13 Education

2.13.1 FIFEplan Policy 4 states that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity including education. 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. This is reinforced in the Planning Obligations Framework Supplementary Guidance.

2.13.2 This application site is currently within the catchment areas for: Inverkeithing Primary School; St John's Roman Catholic Primary School; Inverkeithing High School; and St Columba's Roman Catholic High School. This site is also within the Dalgety Bay and Inverkeithing (SW1) local nursery area. Fife Council Education Service confirmed that based on the available information, and proposed house completion rates, this development is expected to create or contribute to a capacity risk within the catchment area of the development site.

2.13.3 School roll projections, including the expected completion rate of known housing sites, indicate that there is currently a risk that Inverkeithing High School will require more teaching areas than are currently available on site. At the Education & Children's Services Committee on 18 September 2018, elected members approved the rezoning of the secondary catchment areas of Dunfermline High, Inverkeithing High, Queen Anne High and Woodmill High schools from August 2019. This is not yet referred to within the current version of Fife Council Planning Obligations Framework Supplementary Guidance. However, there is currently a risk that Inverkeithing High School will need more class areas than are currently available. The capacity

of the school is expected to be exceeded by 2023 and the school roll is projected to continue to rise until 2027, therefore additional temporary modular accommodation will be required at the school. A feasibility is being undertaken to establish the full requirements and solution. This development site has not been factored into the programme to deliver the Scottish Government's expansion of 1140 hours for nursery pupils. As the pupils from this site are however projected to be low, this may be managed by using other available providers, if space within their provision is available.

2.13.4 In accordance with the supplementary guidance, brownfield sites would be exempt from the payment of contributions, unless there is a critical capacity risk. In this instance, the Inverkeithing High School capacity issue is not critical and Education Services have advised that the nursery places can be managed using other available providers, therefore no contributions would be requested.

2.13.5 In conclusion, no financial contributions would be required from this development, in accordance with FIFEplan Policy 4 and the Planning Obligations Framework Supplementary Guidance.

## 2.14 Sustainability

2.14.1 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.

2.14.2 FIFEplan Policy 11: Low Carbon 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.

2.14.3 The energy efficiency and performance of new buildings is considered in detail through the Building Standards process. Fife Council considers that it would be unreasonable to expect the same level of detail to be submitted at the Planning Permission in Principle (PPP) or Full planning permission stages of the planning process. Therefore, in order to meet the

requirements of policy 11 regarding CO2 emissions reductions targets, small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into the proposal. The applicant has submitted a Low Carbon Sustainability Statement and a Low Carbon Checklist with the application. The statement sets out that the developer would explore every opportunity to ensure a viable low carbon sustainable solution as the design progresses, through technical assessment of the required legislative procedures. The statement advises that the proposals will be developed to ensure the fabric performance of the buildings exceed the Building Standards requirements and address the aspirations of Section 7 Silver level 2. All heating equipment would be A rated and have a control thermostat; all light fittings would be capable of accommodating low energy bulbs; and dual flush and low water fittings would be specified. The statement advises that the developer would endeavour to provide materials from local or sustainable sources. It does not mention the re-use of any existing materials from the site; however this would be expected and it noted on the block plan submitted. The SUDS strategy has been certified as part of the design and the engineer will ensure best practice in the treatment and attenuation to the satisfaction of SEPA. However, as mentioned in paragraph 2.10.2 above, the drainage of the site has not been accepted or agreed at this point and further information is required. In terms of waste, the statement advises that each house will incorporate segregated waste storage and in-curtilage hardstanding would be provided to accommodate the required number of wheelie bins as supplied by Fife Council. In terms of transportation, the site is well connected, immediately adjacent to the town centre, with a proposed link into the town centre from the site, and it is within walking distance from the train station and bus routes.

2.14.4 In terms of air quality, Fife Council Land and Air Quality Officers have requested the submission of an Air Quality Impact Assessment, given the nature and scale of the proposed development. The assessment should consider the effect on future air quality of both the construction phase and future use of the site and taken into account cumulative effect of other proposed development in the area. This would determine whether a simple or detailed assessment would be required. This information has not been submitted, although it is something which could be required through a condition, should the application be considered acceptable in all other aspects.

2.14.5 SPP (2020) states that planning policies and decisions should support sustainable development. For the purposes of this policy, to assess whether a policy or proposal supports sustainable development, the following principles should be taken into account:

- 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

2.14.6 In terms of economic development, the applicant considers that the proposal to demolish the listed building is essential to delivering significant benefits to economic growth and the wider community. They note that the 2010 planning permission and listed building consents to convert the listed buildings and build limited enabling development on the site were not taken forward due to financial restrictions and viability concerns. Given the fact that the site has remained vacant for a number of years, the applicant is keen to redevelop the site. They note that the proposal will deliver economic benefits in providing affordable homes, along with the construction and development benefits of new housing development. They have provided information presenting benefits including 57 construction jobs, resident expenditure and council tax receipts which would arise as a result of the development. In the Plan for Fife (2017), the 12 ambitions for a Fairer Fife include everyone having access to affordable housing, and the Fife Economic Strategy refers to the Affordable Housing Programme in helping to sustain 1,000 jobs each year within the construction sector. The proposals would therefore contribute to Fife's economy, however, there has been no information to back up the applicant's claims that the conversion of the listed building in some form, is unviable. The loss of the listed building is considered to be a considerable loss, which would outweigh the economic benefits outlined above. Plus, the economic benefits that would arise from the conversion of the listed building and development of the site would be similar.

2.14.7 In terms of good design and the six qualities of a successful place, this issue has been assessed in detail in Section 2.4 of this report. This section concludes the proposal would not accord with the placemaking principles set out in FIFEplan and other material considerations.

2.14.8 The proposal would not make efficient use of land, buildings and infrastructure as it proposes the loss of a listed building without sufficient justification. Therefore, this principle is not met.

2.14.9 The proposal would deliver accessible housing by way of affordable housing within walking distance of the town centre.

2.14.10 The proposal includes the delivery of supporting infrastructure, as set out in Sections 2.8, 2.9, 2.10, 2.12, and 2.13. However, no drainage provision has been agreed, therefore this principle has not been fully met.

2.14.11 The proposal takes due account of flood risk, as set out in Section 2.10 and responds to the challenge of climate change mitigation through compliance with FIFEplan Policy 11, as set out in Section 2.13.

2.14.12 The proposal would deliver a usable and accessible open space by forming amenity space within the site. This provision would encourage informal recreation and social interaction in accord with this sustainable development principle.

2.14.13 The proposal would accord with the Land Use Strategy for Scotland by reusing previously developed land within the settlement boundary of Inverkeithing.

2.14.14 Section 2.2 assesses the proposal against the terms of the development plan and other material considerations in relation to the preservation and enhancement of the listed building. The proposal includes the loss of a listed building, which is not considered to be justified and therefore would not accord with these relevant policies.

2.14.15 Section 2.5 considers the impact of the proposal on natural heritage assets. Further information would be required in order to fully assess this aspect, although there are no significant natural heritage assets on the site.

2.14.16 Section 2.13 considers waste reduction, management and resource recovery and concludes the proposal would accord with FIFEplan Policy 11.

2.14.17 The issue of over-development, amenity and the implications for water, air and soil quality is considered at various stages throughout this report. Over-development is considered in principle in Section 2.2 and throughout the main report. The design of the development as it relates to scale and massing is considered in Section 2.4. Amenity concerns are address fully in Section 2.6 and issues relating to air quality are addressed in Section 2.13. Land contamination is considered in Section 2.11. In considering these various matters, the objective was to determine if there were any objective measures that would indicate the site was over-developed. In each aspect, the site is considered to accord with the development plan and other material considerations. The proposal is not considered to constitute over-development of the site.

2.14.18 Whilst the preceding chapters of this report consider each issue separately, it is important to consider them in a holistic manner to determine if the development is sustainable. The proposals are not considered to protect or enhance the historic environment, through the loss of a listed building without sufficient justification. In this regard, the proposal cannot be considered sustainable. It is not considered that there are other benefits which would outweigh the loss of the listed building.

2.14.19 Therefore, on the basis of the above, the proposal is not considered to be sustainable development as defined by Scottish Planning Policy. This lends strong material weight against the support of the proposal provided by the development plan and material considerations.

## CONSULTATIONS

Structural Services - Flooding, Shoreline And Harbours	Further information is required. Fully discussed in the main report.
Transportation, Planning Services	No objections, subject to conditions.
Scottish Water	No objections.
Historic Environment Scotland	Object to the demolition of the C Listed Building. Comments are on associated Listed Building Consent application (19/02399/LBC).

NatureScot	No comments.
Archaeology Team, Planning Services	No objections.
Built Heritage, Planning Services	Object to the demolition of the C Listed Building. Comments are on associated Listed Building Consent application (19/02399/LBC).
Natural Heritage, Planning Services	Further information is required. Fully discussed in the main report.
Trees, Planning Services	No response.
Urban Design, Planning Services	Concerns regarding design. Fully discussed in the main report.
Education (Directorate)	Capacity issue at Inverkeithing High School. Fully discussed in the main report. Fully discussed in the main report.
Housing And Neighbourhood Services	The housing mix presented in the planning application has yet to be determined by Fife Council's Housing Services to ensure it reflects the needs for affordable housing identified in the Dunfermline and Coast Local Housing Strategy Area (LHSA).
Parks Development And Countryside	£300 per unit requested for contributions towards a park in the area.
Land And Air Quality, Protective Services	No objections, subject to conditions.

## REPRESENTATIONS

24 objection comments have been received in relation to this application. The main issues raised by objectors are set out in the relevant sections of the report and are summarised here:

1. The buildings on the site are of historic value to Inverkeithing and the need for demolition has not been demonstrated.

Addressed in Section 2.3 of the main report.

2. The H Block building was not damaged in the fire and could be retained.

Addressed in Section 2.3 of the main report.

3. Adequate consultation has not taken place within the community and surveys that have been undertaken within the community have not been taken into account.

The applicant is not required to take account of surveys that may have been carried out within the community. The required statutory neighbour notification process has been carried out, as is required for a local planning application.

4. The proposals do not meet local housing need as confirmed by the housing response.

Addressed in Section 2.12 of the main report.

5. The proposals have poor external access slopes meaning it is not suitable for older people.

Addressed in Section 2.8 of the main report.

6. There are alternative plans from the community development group to develop the site maintaining more of the existing buildings, which is preferable and has funding.

No alternative planning applications have been submitted for this site, therefore no alternative proposals that the Planning Authority can consider.

7. The current owners have not maintained the buildings.

The current listed building on the site has not been assessed as structurally unsound or in poor condition.

8. Inverkeithing is due for improvement beginning in 2021 and proposals which retain the existing buildings would add to those plans and tie in with the objectives of the Neighbourhood Local Plan.

It is agreed that the retention of the buildings could add to the objectives of the Neighbourhood Local Plan if that is the community's aspiration and this can be considered by the community should they wish to add this into their plan.

9. The application is premature because permission to demolish has not been received.

Listed Building Consent application reference 19/02399/LBC is live and being considered alongside this Planning Application.

10. The site should be repurposed for community use.

The Planning Authority can only consider the application that has been submitted, which is a proposal for a residential development.

11. The proposed houses do not provide housing appropriate for older people which is a lost opportunity.

As above, the Planning Authority can only consider the application that has been submitted, which is a proposal for a residential development.

12. Inverkeithing does not require any more housing that is only affordable to commuters.

It is considered that the site could be suited to housing, and the proposal is currently for affordable housing, which would address this concern. However, it should be noted that the housing market and housing prices are not a material planning consideration.

13. The current high school is A listed and the primary school was only C listed, which is not acceptable.

Historic Environment Scotland are responsible for listing and the categorisation and would do so based on their own criteria.

14. There is no green space in the surrounding area

The site is a brownfield site, therefore appropriate development would be supported on this site in principle. However, it is considered that there is a reasonable amount of green space in the vicinity of the site.

15. The proposals would not improve access to green spaces and will detract further from the potential to invest in accessible green spaces for the community.

The proposals would not improve access to green spaces, however they would not remove any existing green spaces given the site has been previously developed. The development of the site would introduce a small amount of new amenity space, which was not previously there.

16. Traffic to Roods Road will increase and add to congestion

Addressed in Section 2.8 of the main report.

17. The proposals would add to parking issues and road accidents.

Addressed in Section 2.8.7 of the main report.

18. The application should be withdrawn until a feasibility study is completed by the vivarium trust and the community.

Any feasibility studies carried out separately to this planning application would be reviewed in the event that a Planning Application was submitted by the Vivarium Trust/local community as part of a proposal. No planning applications have been submitted to date, so this information cannot be assessed.

19. Increased risk of exposure to pollutants from traffic increase.

It is not considered that the scale of this development would significantly increase the risk of pollutants from traffic. However, the submission of an Air Quality Impact Assessment would demonstrate the details of this. As discussed in section 2.14, this information has not been submitted but could be requested through an appropriate planning condition.

20. There are enough houses being built in and around the town, including the new development at Spencerfield.

The application site is allocated for housing, it is located within the settlement boundary and is a brownfield site. Therefore, it is considered that housing would be an appropriate use for the site.

21. New homes here would offer nothing to the town centre.

As above, the site is allocated for housing, therefore would be an appropriate use for the site. The site is not located within the town centre itself, but is within walking distance of the town centre. A housing site situated within walking distance of the town centre would be of benefit to the town centre, given it would increase footfall from residents.

22. Inverkeithing and the Fife coast are in danger of becoming a huge mass of houses with very little imagination shown.

The design of the proposal is discussed in Section 2.4 of the main report. As discussed above, the site is allocated for housing.

## CONCLUSIONS

The proposal is not acceptable in meeting the terms of the Development Plan and relevant National Guidance. The applicant has failed to provide adequate justification for the demolition of the listed building and has failed to demonstrate that every effort has been made to retain it. It is considered that the argument that demolishing the listed building is the only option for the development of the site has not been fully demonstrated and there are other options that should be explored first. The loss of the listed building would detract from the character of the existing built form and the proposed replacement buildings fail to reflect the traditional form and character of the original listed buildings and it is considered that the proposed replacement buildings would not result in any visual or environmental benefit to the site or indeed maintain or enhance the existing built form of the surrounding area. The proposal is therefore considered to be contrary to Scottish Planning Policy (2020), Historic Environment Scotland Policy Statement (2019), Policy 1B of SESPlan - Strategic Development Plan (2013) and Policy 14 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Making Fife's Places (2017).

## RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of safeguarding the listed building; the applicant has failed to provide adequate justification for the demolition of the building and has failed to demonstrate that every effort has been made to retain it. The proposal is therefore considered to be contrary to Scottish Planning Policy (2020), Historic Environment Scotland Policy Statement (2019), Policy 1B of SESPlan - Strategic Development Plan (2013) and Policy 14 of the Adopted FIFEplan - Fife Local Development Plan (2017).
2. In the interests of protecting the architectural heritage; the applicant has not provided an acceptable justification for the demolition of the listed building. It is considered that the argument that demolishing the listed building is the only option has not been fully demonstrated and the development is considered to be contrary to Policy 14 and Proposal INV004 of the Adopted FIFEplan - Fife Local Development Plan (2017).
3. In the interests of visual amenity; the proposal would result in the loss of a traditional C listed building which would detract from the character of the existing built form. The proposed replacement buildings fail to reflect the traditional form and character of the original listed buildings and it is considered that the proposed replacement buildings would not result in any visual or environmental benefit to the site or indeed maintain or enhance the existing built form of the surrounding area. The proposal is therefore considered to be contrary to Scottish Planning Policy (2020), Policy 14 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Making Fife's Places (2017).
4. The application has not provided sufficient information to demonstrate that the proposals have an acceptable drainage solution. The proposals therefore cannot be considered to fully comply with Policy 1B, 3 and 12 of the Adopted FIFEplan - Fife Local Development Plan (2017) and

Making Fife's Places (2017) and material considerations SPP (Managing Flood Risk and Drainage).

## **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 Policy and Guidance

Scottish Planning Policy (SPP) (2020)

Historic Environment Scotland Policy Statement (2019)

Managing Change in the Historic Environment: Demolition of Listed Buildings (2019)

### Development Plan

Adopted Fife Local Development Plan 2017 (FIFEplan)

Making Fife's Places Supplementary Guidance 2018

Low Carbon Fife Supplementary Guidance 2019

### Other Guidance

Fife Council's Minimum Distance between Windows Guidance

Fife Council Planning Customer Guidelines - Daylight and Sunlight (2018)

Making Fife's Places Planning Supplementary Guidance (2018)

Draft Planning Obligations Framework 2017

### Background Documents:

Fife Tourism Strategy

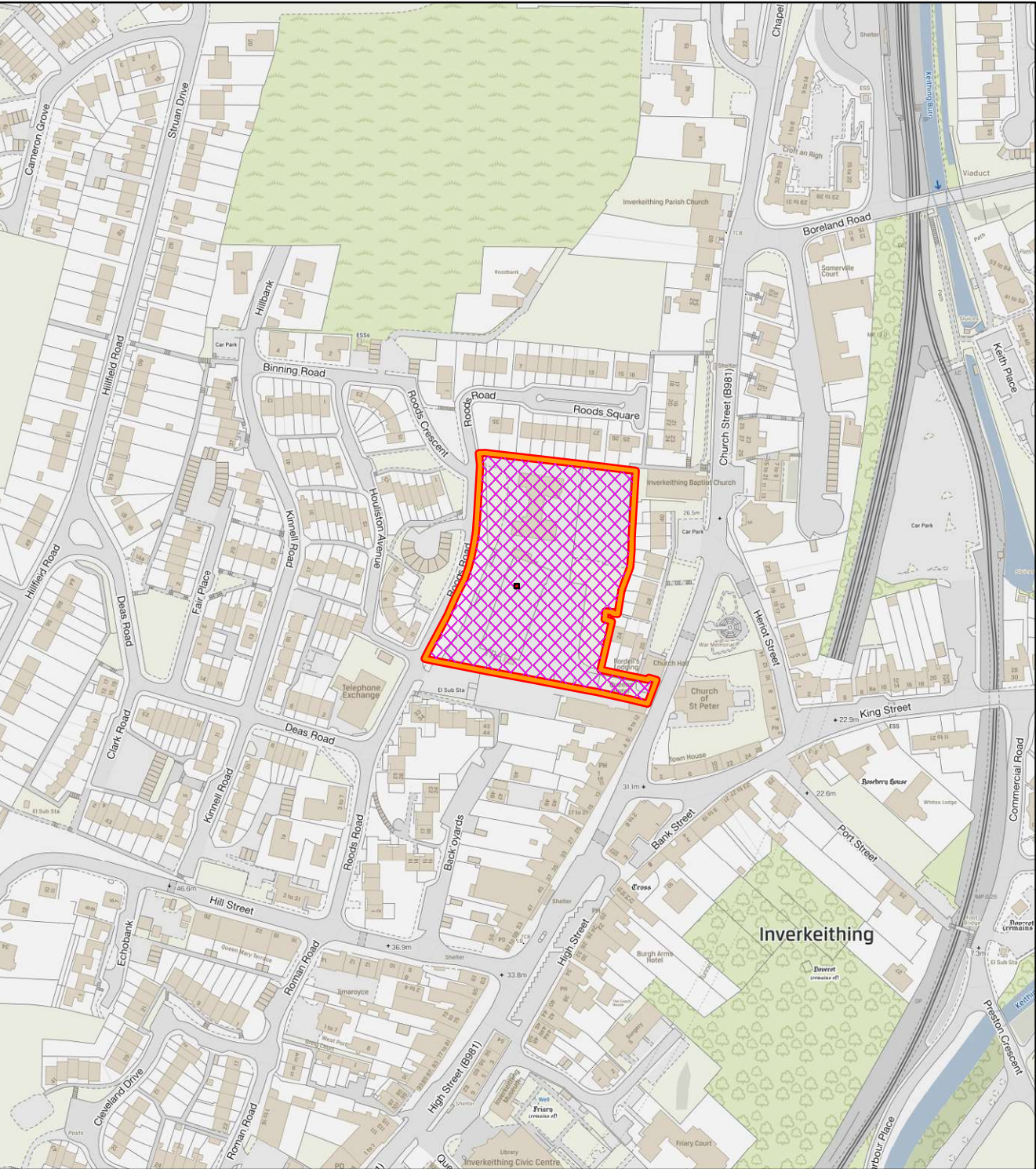
Fife Economic Strategy

Report prepared by Natasha Cockburn

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 5.3.21

Date Printed 19/02/2021





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<p>Legend</p> <div>  <b>Application Boundary</b> </div> <div>  </div>			 <p>Economy, Planning &amp; Employability Services</p>
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**ITEM NO: 6****APPLICATION FOR LISTED BUILDING CONSENT REF: 19/02399/LBC****SITE ADDRESS: INVERKEITHING PRIMARY SCHOOL ROADS ROAD  
INVERKEITHING****PROPOSAL : LISTED BUILDING CONSENT FOR DEMOLITION OF FORMER  
SCHOOL BUILDINGS****APPLICANT: ANDRAIL LTD  
154 ST VINCENT STREET GLASGOW SCOTLAND****WARD NO: W5R06  
Inverkeithing And Dalgety Bay****CASE OFFICER: Natasha Cockburn****DATE 29/10/2019  
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

it is considered expedient to allow the listed building consent and associated full planning application (19/02406/FULL) to both be determined by Committee to allow the applications the same route of appeal.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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

Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. 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 the site of the former Inverkeithing Primary School, which has been vacant since the new Inverkeithing Primary School was built in 2006. The site previously contained two Category C Listed buildings, one being the single storey ancillary building dating back to 1872 - 'H Block' - and the two-storey main school building, dating back to 1913. The buildings were designed by notable architect Andrew Scobie. The description of the listing from 2004 indicates the growing recognition for the importance of this branch of civic architecture and the work of the architect Andrew Scobie in Fife. The 1913 school building was subjected to a fire in November 2018, resulting in severe damage to that building, although the 1872 building was not damaged. The damage caused by the fire has resulted in the 1913 main school building being de-listed by Historic Environment Scotland. The 1872 building remains Category C Listed.

1.1.2 The site is located within the settlement boundary of Inverkeithing, situated within a predominantly residential area, to the east side of Roods Road. The site slopes from the western boundary with Roods Road where there is a change in level of approximately 3m. There is also a further level change within the former playgrounds through the middle of the site in front of the ancillary building by approximately 2 metres. The site sits behind existing properties to the east of the site, which sit significantly below the ground level of the site, facing onto the B981. The site is not visible from the B981 due to the level changes and the houses and church that sits in front. The site is prominent within the setting of Roods Road, on the west side. The residential properties to the north of the site also sit significantly lower than the site itself. A car park sits to the south of the site, behind the Queens Hotel which is to the south east of the site facing onto the B981. The car parking spaces are used by existing residents although are not allocated spaces.

1.1.3 Sitting adjacent to the site on the eastern side are the Category A Listed former St Peters Church Hall (Fordell Lodgings) and the Category C Listed Queens Hotel. The application site is allocated for housing in the Adopted FIFEplan - Fife Local Development Plan (2017) under proposal INV 004 with an estimated capacity of 42 units. This allocation reflects the most recent approved Planning Permission and Listed Building Consent for the conversion of the listed buildings to residential use and the erection of two new buildings.

### 1.2 Proposal

1.2.1 This application seeks permission to erect 28 affordable dwellinghouses with associated infrastructure, including the demolition of the existing C Listed Buildings. Vehicular access would be taken from the north east, off Roods Road, where there is an existing access point. The dwellings would comprise of a mix of terraced and semi-detached properties with 13x 2 bed units, 9x 3 bed units and 6x 5 bed units. An area of amenity space with seating, is identified in the centre of the site and to the south. The majority of the parking is communal with parking courts to the east and a strip of amenity space and 'public garden' is indicated in the southeast corner of the site, adjacent to the steps down to the town centre. The existing footpaths are

proposed to be retained to the south and a link footpath is proposed to the south east, behind Inverkeithing Baptist Church, which would lead to the town centre.

1.2.2 The application proposes to retain the existing wall head along the frontage of the site, with cope and railings being replaced using material recovered from within the site to match existing, where they have previously been removed. Within the amenity space, the date stone and surrounding arch detail of the original building is proposed to be removed and built as a feature within the boundary wall at this location. The boundary wall of Plot 20 is proposed to be finished in recovered stone and cope. Low level stone walls are proposed along the front boundaries of the proposed properties

### 1.3 Planning History

1.3.1 Listed Building Consent (LBC) for alterations to the former school building to create residential accommodation with associated car parking and external works (42 residential units and 56 car park spaces) (10/03809/LBC) and associated Full Planning Permission (10/03625/FULL) were permitted in May 2011.

1.3.2 Full Planning Permission for the erection of 28 affordable dwelling houses (demolition of existing buildings) including associated access, landscaping and infrastructure was withdrawn in October 2018 (17/01391/FULL) along with associated Listed Building Consent application for the demolition of the buildings (17/01429/LBC).

1.3.3 Both applications were recommended for refusal by officers at West Planning Committee in December 2017, however West Planning Committee recommended that the LBC for the demolition of the listed buildings was approved and the FULL application was continued, to resolve outstanding issues and obtain supporting information (including a bat survey).

1.3.4 Members agreed to a schedule of conditions in February 2018 and Scottish Ministers were notified of the LBC because Historic Environment Scotland (HES) had formally objected as a Statutory Consultee. Scottish Ministers then advised that they could not consider the Listed Building Consent application until a bat survey had been submitted. Whilst the application for Full Planning Permission did not need to be notified to Scottish Ministers, it too required a bat survey to be submitted prior to a decision being issued. It transpired that the applicant had not carried out a bat survey in October 2018, therefore, as the bat survey period had been missed, the applicant elected to withdraw the applications to allow them further time to carry out and submit a bat survey. Within this time, the main school building was subjected to a fire. Following the fire, it was established that some damage had occurred to the main school building therefore HES decided to undertake a listing review of the site. They have confirmed that they have removed the listed status of the main C Listed school building, however the block to the north of the site ('H Block') was not damaged in the fire and still has merit as a Listed Building, so the building remains C Listed.

### 1.4 Application Process

1.4.1 The application has been advertised in the Edinburgh Gazette and the Courier as a development affecting a Listed Building.

## 2.0 ASSESSMENT

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

## - Justification/Impact on Listed Building

### 2.1 Justification/Impact on Listed Building

2.1.1 A letter of support submitted by a neighbour, states that the building is in a dangerous condition and an eyesore, so there is no option other than to demolish and the site should be used for something else. It also states that the Council should have done more to save the building when it was vacated. In this regard, the application is required by national policy to demonstrate that there is no other option than to demolish a listed building. SPP (2020) paragraph 141 – 142 advises that changes to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

2.1.2 SESplan - Strategic Development Plan (2013) Policy 1B, states that Local Plans will ensure that there are no significant adverse impacts on the integrity of, amongst other matters, listed buildings.

2.1.3 The Historic Environment Policy for Scotland (2019) (HEPS) states that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place. It also states that decisions affecting the historic environment should contribute to the sustainable development of communities and places.

2.1.4 Historic Environment Scotland's Managing Change guidance 'Managing Change in the Historic Environment: Demolition of Listed Buildings' (2019) reinforces the issues outlined in the SPP in relation to Listed Buildings and states that in the case of applications for the demolition of listed buildings it is Scottish Ministers policy that there is a strong presumption in favour of retaining listed buildings and the decision to demolish a listed building is a last resort, which will almost always be made at the end of a process that has considered and discounted all other feasible options. The accompanying 'Managing Change in the Historic Environment: The Use and Adaptation of Listed Buildings' provides guidance on different approaches to reusing listed buildings and should be read alongside the demolition guidance when considering the options for listed buildings.

2.1.5 The guidance notes that in some circumstances, a listed building may no longer be of special architectural or historic interest. This might include where there has been a significant loss of fabric or features of interest. In this regard, there was a fire in the main C Listed school building in 2018, which prompted Historic Environment Scotland to carry out a review of the listed status of the whole site. HES have advised that their review has confirmed the significance

of the H-plan 1874 school as a category C listed building, and the fire damaged 1913 building is now excluded from the listing. Advice from HES is therefore that the 1874 building should be retained. This recent review of the site cements the remaining undamaged building as an important historic asset that should be retained.

2.1.6 The guidance note sets out the exceptional circumstances where consent may be granted for the demolition of a listed building:

- the building is not capable of meaningful repair
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community
- economic viability

2.1.7 Policy 14 of the Adopted FIFEplan - Fife Local Development Plan (2017) states that development which protects or enhances buildings or other built heritage of special architectural interest will be supported. Proposals will not be supported where it is considered they will harm or damage Listed Buildings or their setting, including structures or features of special architectural or historic interest. It continues that there is a presumption against the demolition of listed buildings, consistent with the Historic Environment Policy Statement, unless a case has been made under one of the prescribed grounds set out in Historic Environment Scotland's Managing Change in the Historic Environment: Demolition of Listed Buildings.

2.1.8 Historic Environment Scotland (HES) in their first consultation response of 31 October 2019 set out that they object to the application because they do not consider the demolition of the H-plan 1874 building to be justified. However, they consider the demolition of the 1913 main school building can now be justified. They advised that the 1874 building is a good representative example of a school built just after the 1872 Education Act and has not been significantly altered or extended. The raising of the school leaving age and necessary expansion of secondary education facilities resulted in the enlargement of many early school buildings, often of a more classical style of architecture. In Inverkeithing, a new building was constructed allowing the 1874 building to retain its original character and appearance. The most significant decorative features are the large east facing windows with Tudor detailing. HES consider the 1874 building therefore still meets the rigorous criteria to be designated a listing building.

2.1.9 HES consider the 1913 building no longer meets the criteria for listing because of extensive loss of fabric caused by the 2018 fire. This does not mean the building has no interest - historic schools are frequently valued landmarks within a community contributing to their sense of place.

2.1.10 Objection comments raise concern that the application fails to include an assessment of the condition of the buildings by a Conservation Architect or Structural Engineer to justify the need for demolition. They advise that a Structural Engineer with expertise in fire-damaged structures has inspected the site as part of a Feasibility Study and confirms that the fire-damaged building does not need to be demolished for technical reasons and can be successfully adapted for re-use. In this regard, the applicant has put forward alternative arguments for demolition rather than the building cannot be repaired, as discussed below.

2.1.11 The application intended to support the case for the demolition of both buildings on economic viability grounds. However, as it is considered that the 1913 building no longer meets the criteria for listing, this changes what HES consider a future developed site could look like, as the demolition of the building would not have to be justified against the aforementioned tests. For

example, the demolition of the 1913 building would appear to allow greater scope for new build, and it was therefore put to the applicant whether this could cross-fund retention, repair and reuse of the 1874 building.

2.1.12 It was put to the applicant that the demolition of the 1874 building needs to be clearly demonstrated and justified, separately from the 1913 building. Following discussions with the applicant regarding the need for the provision of a clear justification for the demolition of the 1874 building, the applicant submitted further information and justification. HES were consulted and retained their objection to the demolition of the 1874 building. The applicant provided an argument that demolition is essential to delivering significant benefits to economic growth or the wider community. As HES had previously advised throughout consideration of the 2017 applications, projects which fall under that category are generally of national or regional importance. Whilst the figures presented in support of the argument are noted, and it is acknowledged that the proposed demolition and redevelopment would bring some benefits, it is not considered that the benefits are of such significance as to outweigh the presumption for retaining the listed building.

2.1.13 A further argument that demolition is required to allow access to a redeveloped site is put forward by the applicant. Due to the technical nature of this argument, HES did not comment in detail, however they did note that the current access arrangements should not prevent re-use of the building. In this regard, Fife Council Transportation Development Management have been consulted and have advised that the applicant has not considered all alternative potential access points before considering that demolition is the only option. The applicant has provided various drawings which were requested, to show that bringing an access to an adoptable standard into the site, whilst retaining the listed building, would result in large retaining walls which would significantly impact on the historic character of the listed building. It is agreed that the options that the applicant has put forward would not be acceptable. However, all options should be explored before resorting to the demolition of a listed building and there is the option of either retaining the existing access point as a private access into the site (which was previously approved in 2010) or taking access from the existing car park to the south of the site. These options should be explored first, before resorting to demolition. The area in question is owned by the Council, and TDM have advised that there would be no concern with an access being taken from the car park - the levels would be appropriate, sufficient parking could remain and access to the substation at that location could be retained. This has been put to the applicant, but they are not willing to discuss or review this option in any detail. They have requested that the application is determined based on the information submitted thus far.

2.1.14 HES conclude by advising that they are not convinced that demolition of the surviving Board School has been justified. They advise that they would be keen to see a scheme come forward that would include the repair and reuse of the remaining listed building and remain willing to discuss potential solutions with the applicant. They note that recent changes to the designation mean that there is a greater scope in the potential development of the wider site, with a consequent improvement in the site's viability. As previously mentioned, the applicant has been approached to discuss further potential options, but they are not willing to explore any further.

2.1.15 The Council's Built Heritage Team were consulted on the application. The advice from Fife Council over a number of years and applications has been to consider the retention and adaptation of the listed buildings and their historic setting. There is no submitted information asserting that the northern building is in poor condition which, despite lack of occupation and maintenance, appears sound. Built Heritage consider that the retention of the 1874 building and

its conversion to residential accommodation would be supported. They would still look at facade retention of the 1913 building, with demolition not being supported by Fife Council Built Heritage. In regard to the applicant's argument of community benefit, Fife Council Built Heritage have noted the considerable level of community objection, which highlights a community support for the retention of the old school buildings.

2.1.16 An objection comment received considers that the Historic Environment Policy for Scotland (2019) HEP2 states: Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.' They raise concern that this case proposes to eliminate all future enjoyment of these buildings, without having sufficiently studied alternative options. In this regard, the guidance for making such decisions is reflected through 'Managing Change in the Historic Environment: Demolition of Listed Buildings' (2019) which has been thoroughly considered throughout the assessment of this application for demolition. It is agreed that alternative options have not been sufficiently explored.

2.1.17 It should be noted that, should consent be granted to demolish the building, all features such as the entrance gates, boundary walls, stone steps should be repaired and reinstated as part of the project. The preservation of materials that are scarce and valuable, including the majority of elements that would have been made by hand, should as far as possible be preserved through and demolition process and salvaged for re-use. An appropriate method statement for demolition and salvage should also be submitted if consent was be granted to demolish.

2.1.18 Overall, it is the statutory duty of Fife Council to ensure that there is no other viable option that would retain and repair the C Listed Building, putting them back into use. It is also Fife Council's statutory duty to assess the application against the HES guidance, with the support and advice of HES.

2.1.19 On the basis of the information provided, supporting information presented to justify loss of the C Listed Building falls short of what would be expected and the proposal does not meet the policy and guidance requirements of national and local policies with respect to works to Listed Buildings, in particular the demolition tests set out in HES guidance. The proposals therefore cannot be supported in principle. If Members were minded to approve the application, with or without conditions, against HES advice as a Statutory Consultee, Scottish Ministers would have to be notified before any decision can be made.

## CONSULTATIONS

Historic Environment Scotland	Objection as a Statutory Consultee.
	Discussed further in the main report.
NatureScot	No comments.
Natural Heritage, Planning Services	No comments
Built Heritage, Planning Services	Objection. Discussed further in the main report.

## REPRESENTATIONS

35 objections have been received in relation to this application, plus 1 letter of support. The matters raised include:

The letter of support states that the building is in a dangerous condition and an eyesore, so there is no option other than to demolish and the site should be used for something else. It also states that the Council should have done more to save the building when it was vacated.

Addressed in Section 2.1 of the main report.

The objection letters raise the following points:

1. The buildings are important to the local community and should be retained.

It is agreed that the listed building on the site should be retained, however the test of whether the buildings are worthy of retention are set out in Paragraph 2.1.6 of the main report. It is not considered that the application demonstrates that the remaining listed building meets any of the tests for demolition, however as discussed in Paragraph 2.1.11, the main school building is no longer listed therefore the requirement to meet the tests are not required.

2. The building has been neglected.

The remaining listed building on the site appears to be in good condition.

3. The proposals do not meet the HES tests for demolition. The application fails to include an assessment of the condition of the buildings by a Conservation Architect or Structural Engineer to justify the need for demolition. A Structural Engineer with expertise in fire-damaged structures has inspected the site as part of a Feasibility Study and confirms that the fire-damaged building does not need to be demolished for technical reasons and can be successfully adapted for re-use.

Addressed in Paragraph 2.1.10 of the main report.

4. The buildings are of considerable townscape and social significance

It is agreed that the listed building on the site should be retained, however the test of whether the buildings are worthy of retention are set out in Paragraph 2.1.6 of the main report. It is not considered that the application demonstrates that the remaining listed building meets any of the tests for demolition, however as discussed in Paragraph 2.1.11, the main school building is no longer listed therefore the requirement to meet the tests are not required.

5. The buildings should be retained and converted

As discussed throughout Section 2.1 of the main report, it is agreed that the remaining listed building should be retained and converted. Built Heritage Officers also advise that they would like to see the non-listed building retained. However, as discussed in Paragraph 2.1.14 there are now alternative options for the site, which have not been explored which could now include the demolition of the non-listed building (which does not have to be justified through the HES tests for demolition given it is not listed).



6. The applicant presents the same statements from previous failed applications that they have been unsuccessful in marketing the property, as a basis for their assertion that there is not a viable way to develop the property without demolition. The evidence is from 2015 and 2017 and is out of date. Vivarium Trust has made repeated offers in principle to buy the site for the community-led project.

The applicant has submitted updated justification. However, as discussed throughout Section 2.1, is not considered to be sufficient.

7. Historic Environment Policy for Scotland (2019) HEP2: "Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations." This case proposes to eliminate all future enjoyment of these buildings, without having sufficiently studied alternative options.

Addressed in Paragraph 2.1.16.

8. There is a community group and charity interested in developing the site for the benefit of the local community and their plans to purchase and develop the site should be considered. Comments also state that this application should consider the feasibility study by vivarium trust.

No plans have been submitted to the Planning Authority for consideration by any other parties, therefore this cannot be taken into account as part of the assessment of these proposals. Should a Listed Building Consent or Planning Application be submitted, then these alternative proposals would be assessed.

The below matters are not a consideration in relation to the assessment of this Listed Building Consent application, which purely considers the implications of the listed building. These matters are covered in the associated Planning Application (reference: 19/02406/FULL):

- There are enough houses being built in and around the town, including the new development at Spencerfield.
- New homes here would offer nothing to the town centre
- Future possibilities for the school include co-housing for older people and an area of garden and park for the community.
- CARS project seeks to improve the high street
- There is an ageing population in need of suitable housing
- There are parking problems in the area which will be exacerbated by the proposals
- There is not enough green space in the area
- Inverkeithing and the Fife coast are in danger of becoming a huge mass of houses with very little imagination shown to what can support people within these housing schemes.

## CONCLUSIONS

The proposal is not acceptable in meeting the terms of the Development Plan and relevant National Guidance. The applicant has failed to provide adequate justification for the demolition of the listed building and has failed to demonstrate that every effort has been made to retain it. It is considered that the argument that demolishing the listed building is the only option for the development of the site has not been fully demonstrated and there are other options that should be explored first. The proposal is therefore considered to be contrary to Scottish Planning Policy (2020), Historic Environment Scotland Policy Statement (2019), Policy 1B of SESPlan - Strategic

Development Plan (2013) and Policy 14 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Making Fife's Places (2017).

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. In the interests of safeguarding the listed building; the applicant has failed to provide adequate justification for the demolition of the building and has failed to demonstrate that every effort has been made to retain it. The proposal is therefore considered to be contrary to Scottish Planning Policy (2020), Historic Environment Scotland Policy Statement (2019) , Policy 1B of SESPlan - Strategic Development Plan (2013) and Policy 14 of the Adopted FIFEplan - Fife Local Development Plan (2017).

## **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 (SPP) (2020)

SESPlan - Strategic Development Plan (2013)

Historic Environment Scotland Policy Statement (2019)

Managing Change in the historic Environment (Demolition of Listed Buildings)

Managing Change in the historic Environment (Use and Adaptation of listed Buildings)

Development Plan

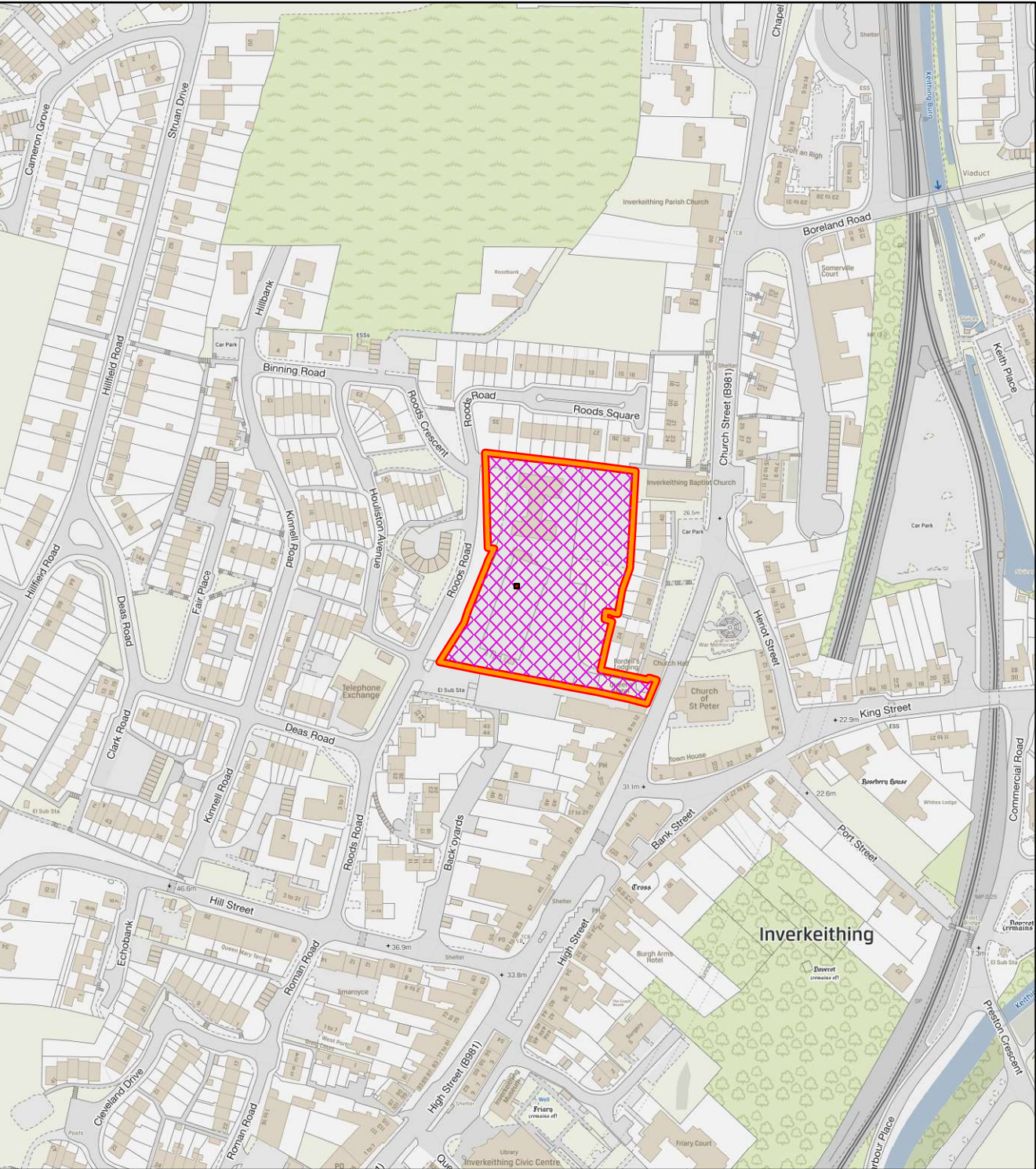
Adopted FIFEplan (2017)

Report prepared by Natasha Cockburn

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 24/2/21.

Date Printed 19/02/2021

Inverkeithing Primary School Roods Road Inverkeithing



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<p>Legend</p> <div>  Application Boundary </div> <div>  </div>			 <p>Economy, Planning &amp; Employability Services</p>
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**ITEM NO: 7****APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02715/FULL****SITE ADDRESS: 40 LIBERTON DRIVE GLENROTHES FIFE****PROPOSAL : ERECTION OF DOMESTIC OUTBUILDING TO SIDE OF DWELLINGHOUSE (RETROSPECTIVE)****APPLICANT: MR ALAN KIMMITT  
40 LIBERTON DRIVE GLENROTHES KY6 3PB****WARD NO: W5R14  
Glenrothes North, Leslie And Markinch****CASE OFFICER: Andrew Cumming****DATE 16/11/2020  
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**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 The application property is a modern style, detached, two storey dwellinghouse, set on a large plot in the north-east corner of the roundal at the head of a large cul-de-sac, in an established principally residential area of similar style properties, with a well-established woodland to the rear of the site.

1.2 This retrospective application is for the erection of the detached, single storey domestic outbuilding set in the side garden area adjacent to the north-facing side elevation of the two storey house.

1.3 There have been no recent, previous planning applications received for this property.

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 PLANNING ASSESSMENT

2.1 The key issues in the assessment of this application are Principle of Development, Design/Visual Amenity, Residential Amenity and Representations.

### 2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 Adopted Local Plan Policy 1 applies and states that the principle of development will be supported if it is either, within a defined settlement boundary and compliant with the policies for the location; or in a location where the proposed use is supported by the Local Development Plan. As the application site lies within the settlement boundary of Glenrothes as defined in the Adopted Local Plan there is a presumption in favour of development subject to satisfactory details. The principle of development for a domestic outbuilding within a residential curtilage is clearly established as common-place within the vicinity, therefore, the outbuilding 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 need to be considered to determine if the outbuilding is acceptable as proposed.

2.2.2 The use of the domestic outbuilding and associated parking and traffic issues have been raised by the representees for this application, However, this is a householder planning application for a domestic outbuilding within a residential curtilage, with these issues raised being the subject of a separate Planning enforcement case, and not material planning considerations in the consideration and determination of this application.

### 2.3 DESIGN/VISUAL AMENITY

2.3.1 Adopted Local Plan Policy 10 applies and states, development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, the visual impact of the development on the surrounding area.

2.3.2 Whilst the domestic outbuilding is principally set adjacent to the north-facing side elevation of the house in the side garden area of the large plot, its protrusion some 3 metres forward of the front elevation of the house results in it requiring planning permission hence the retrospective

submission of this planning application. It is therefore visible from the front, public elevation of the property, albeit set back some 22 metres from the front of the site.

2.3.3 Location, position, design, size and appearance are all issues raised by the representees for this application. Some three-quarters of the domestic outbuilding is set forward of the front building line of the house, however it is set back some 22 metres from the front of the site. It is single storey set adjacent to and beyond the north-facing side elevation of the two storey house, 12m<sup>2</sup> of floor area, its front elevation some 3m high with a sloping roof falling northwards to its 2.3 mtrs high rear elevation. It is a timber log construction painted duck egg blue, with white painted timber windows and a grey bitumen roofing shingles roof, all considered an appropriate modern style design for such a domestic outbuilding, set significantly back from the front of the site, within the curtilage of, and essentially to the side of, a modern style house.

2.3.4 It is considered that the outbuilding appears visually and physically subordinate to the house, not harmful to the character and appearance of the property in particular, nor the wider streetscene in general, and therefore complies with the design and visual amenity terms of the relevant policy.

## 2.4 RESIDENTIAL AMENITY

2.4.1 Adopted Local Plan Policy 10, and Fife Council's Approved Planning Customer Guidelines on Daylight and Sunlight, and Garden Ground apply.

2.4.2 Adopted Local Plan Policy 10 states, development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, the loss of privacy, sunlight and daylight.

2.4.3 Fife Council's Approved Planning Customer Guidelines on Daylight and Sunlight serves to establish what impact a development may have on a neighbouring property's daylight received by its habitable room windows, and the level of sunlight received by its amenity spaces.

2.4.4 Fife Council's Approved Planning Customer Guidelines on Garden Ground serves to ensure a property retains an acceptable level of garden ground provision,

2.4.5 With the domestic outbuilding not providing habitable accommodation there will be no overlooking or privacy issues with it.

2.4.6 With the single storey domestic outbuilding set adjacent to the north-facing side elevation of the two storey house, any additional shadow cast, over and above that already cast by the house, will principally fall within the curtilage of the application property, and partly on the adjacent boundary fencing, with No. 39's side and rear garden planting beyond. It is therefore considered that there will be no significantly increased adverse impact on the daylight and sunlight of No. 39 to the north-west side/front of the site.

2.4.7 The domestic outbuilding's floor area only constitutes some 3% of the substantial original side/rear garden ground area of the property with a substantial level of some 500m<sup>2</sup> of provision remaining.

2.4.8 It is therefore considered that the domestic outbuilding complies with the residential amenity terms of these policies and guidelines.



## **CONSULTATIONS**

None

## **REPRESENTATIONS**

9 representations have been received raising concerns about the outbuilding's size, appearance and location; plus its use, and associated parking and traffic issues.

The outbuilding's design, including its size, appearance and location are already addressed in paragraph 2.3 Design/Visual Amenity.

The outbuilding's use and associated parking and traffic issues are subject to a separate Planning enforcement case and not material planning considerations in the determination of this retrospective application for the erection of a domestic outbuilding.

## **CONCLUSIONS**

It is considered that the domestic outbuilding complies with the relevant policies of the Adopted FIFEplan (2017), and Fife Council's Approved Planning Customer Guidelines on Daylight and Sunlight, and Garden Ground, and is therefore acceptable in planning terms.

## **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.

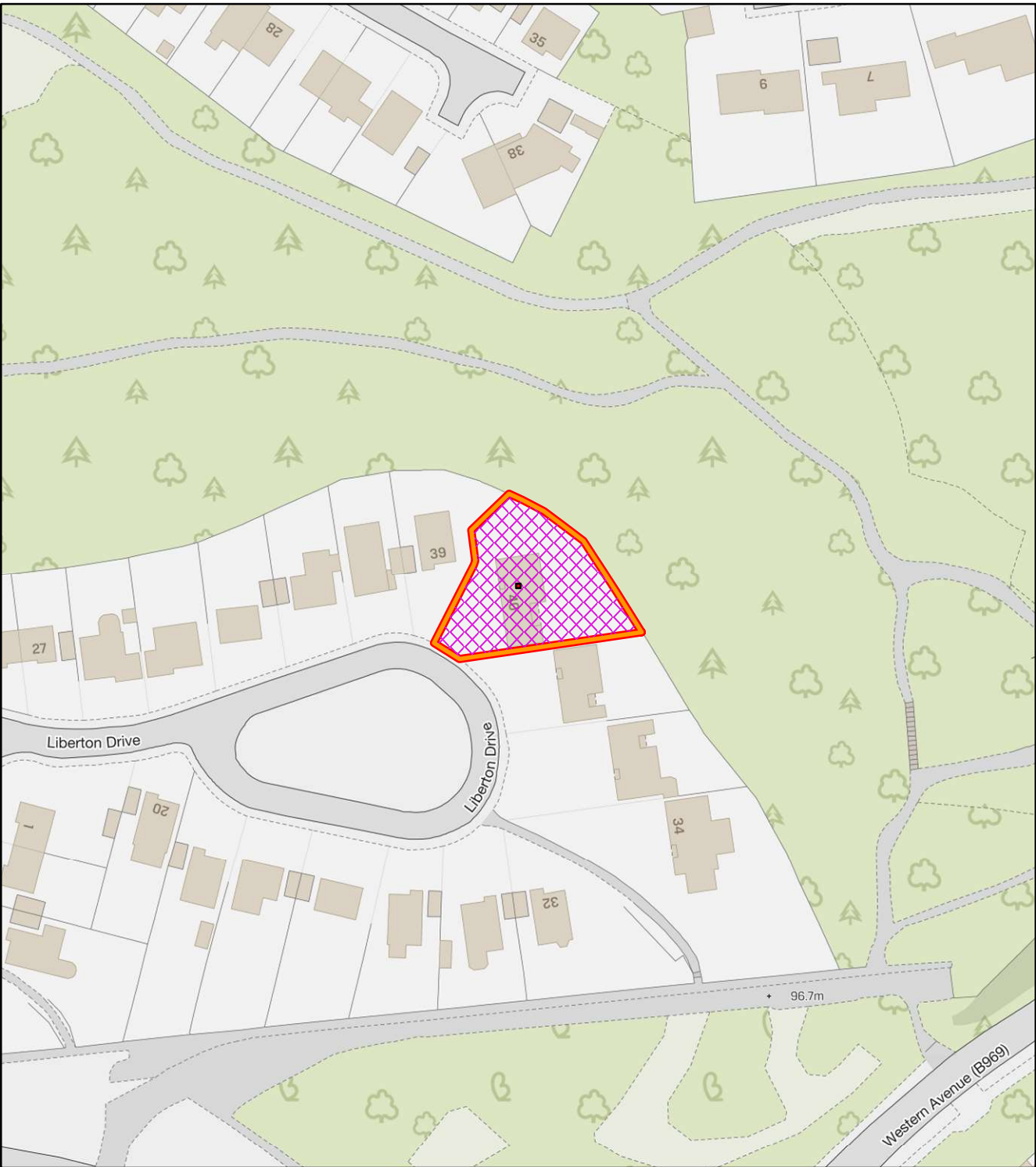
Adopted FIFEplan (2017)

Fife Council's Approved Planning Customer Guidelines on Daylight and Sunlight (2018), and Garden Ground (20164)

Report prepared by Andrew Cumming

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 5.3.21.

Date Printed 17/02/2021



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	



**ITEM NO: 8****APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02984/FULL****SITE ADDRESS: STEPHEN MEMORIAL HALL BACK STREET CULROSS****PROPOSAL : CHANGE OF USE FROM COMMUNITY CENTRE (CLASS 10) TO DWELLINGHOUSE (CLASS 9) AND EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF REPLACEMENT GLAZING****APPLICANT: GARDENFIELD PROPERTIES LTD  
14 LADYCROFT BALERNO UNITED KINGDOM****WARD NO:** W5R01  
West Fife And Coastal Villages**CASE OFFICER:** Scott Simpson**DATE** 22/12/2020  
**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 and the officer's recommendation is contrary to this.

**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 Stephen Memorial Hall which is located on the corner of Back Street and Little Causeway within the Culross Settlement Boundary and the Culross Conservation Area as designated within the Adopted FIFE Plan (2017). The property is a single storey end terraced Category C Listed Building which has a stone finish, eight paned timber framed windows with structural astragals and a pitched roof clad in slate. The property also has a lean-to single storey rear extension which has a mono-pitch roof clad in slate, a stone finish and timber casement windows with top hoppers. The rear of the property is bound by an approximately 1.8 metre high stone wall and timber fence. The property was previously used as a community centre (Class 10) and the site is surrounded by residential properties. The site has no off-street parking associated with it.

1.2 The proposal is for a change of use from Community Centre (Class 10) to dwellinghouse (Class 9) and external alterations including installation of replacement glazing. The proposed replacement glazing would be installed within the existing window frames with the existing astragals retained. The supporting information advises that the existing roof requires to be repaired, however, this is considered to be repair and maintenance works which does not require the benefit of full planning permission and does not, therefore, form part of this assessment. There are no other external alterations proposed. The proposed dwellinghouse would have three bedrooms and no off-street parking.

1.3 There is no recent relevant planning history for the site.

### 1.4 Application Process

1.4.1 The original description for this proposal was for a change of use to self-contained holiday accommodation (Class 7), however, as per the Town and Country Planning (Use Classes) (Scotland) Order 1997 (the Order), a Class 7 use is defined “as a hotel, boarding house, guest house, or hostel where no significant element of care is provided, other than premises licensed for the sale of alcoholic liquor to persons other than residents or to persons other than persons consuming meals on the premises and other than a use within class 9 (houses)”. The proposal was not considered to fall under this use class as it would be used for residential accommodation and not as a hotel, boarding house, guest house or hostel as specified within this Order. It is considered that the proposal more accurately meets the definition of a Class 9 dwellinghouse which is defined by the Order “as a house, other than a flat, whether or not as a sole or main residence by a single person or people living together as a family or not more than 5 residents living together including a household where care is provided by residents”. The agent has advised that the proposal would be let out to families or groups of people as holiday accommodation, however, this type of use is not considered to be materially different from that of a dwellinghouse and would fall under the definition of a Class 9 use. A change of use to a House in Multiple Occupation would, however, be required if the proposal was let out to more than 5 unrelated individuals as their sole or main residence (ie not as holiday accommodation). The description was, therefore, changed to accurately reflect the proposed use and neighbours were re-notified on 28th January 2021 and an advert was also published in The Courier on 4th February 2021 with regards to this change.

1.4.2 A physical site visit has not been undertaken for this planning application, however, the case officer has visited the site for a previous pre-app (19/03638/PREAPP) on 20th January 2020 and site photos are also included within the Planning Statement. 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 current Covid restrictions also mean that Fife Council is unable to guarantee that site notices will be displayed on every relevant application site and a site notice has not been displayed at this application site, however, all site notices are published at [www.tellmesotland.gov.uk/notices](http://www.tellmesotland.gov.uk/notices).

1.4.3 This application is being processed in conjunction with an application for listed building consent (20/02985/LBC) which is also on the agenda for determination at this Planning Committee.

## 2.0 ASSESSMENT

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

- Principle of development/Loss of Community Facility
- Design, Scale and Finishes/Visual Impact on Historic Character of Listed Building and Conservation Area
- Residential Amenity
- Garden Ground
- Road Safety
- Waste Management

### 2.2 Principle of Development/Loss of Community Facility

2.2.1 Scottish Planning Policy (2020) (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act.

2.2.2 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 3 of the FIFEplan states that the loss of community facilities, which include hotels, public houses, restaurants, and leisure facilities, are only deemed acceptable if the proposal is accompanied by a statement that demonstrates, through evidence of marketing for a reasonable time period (at least 18 months) at a fair market value for that use, that the existing use is not viable; the existing building cannot be reused for its existing purpose; that equivalent alternative facilities exist in the local community; and that the site cannot be redeveloped for a local community or tourism purpose.

2.2.3 A planning statement has been submitted by the agent which states that Fife Council have marketed the premises due to there no longer being a community need for the building which was recognised by the Culross Community Council having previously supported the sale of the property in a response to the Fife Council notice of Common Good property notice (November 2020). The agent also states that the property has been actively marketed for its re-use since June 2019 with no interest in the property as a community facility. A PDF of these sales particulars has also been submitted and is available to view on the online planning file ([www.fife.gov.uk](http://www.fife.gov.uk)).

2.2.4 As the proposal lies within the settlement boundary for Culross as defined in the Adopted FIFEplan (2017) there is a presumption in favour of development subject to satisfactory details. The agent has also submitted marketing evidence relating to the viability of the existing use which shows that the property has been marketed for a reasonable time period with no interest in the proposal as a community centre and this evidence is accepted. The loss of this community facility would, therefore, have no significant detrimental impact on the surrounding community and it is also considered that the introduction of a dwellinghouse (Class 9) at this location would bring about the re-use of a redundant vacant listed building which would secure its long term future. The proposal could also benefit the surrounding Culross area by bringing additional footfall into the area which could benefit local businesses, thus, adding to the vitality and viability of the area. The proposal would therefore be acceptable in principle and would comply with Development Plan Policy in this respect. 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, Scale and Finishes/Visual Impact on Historic Character of Listed Building and Conservation Area

2.3.1 Scottish Planning Policy and the Historic Environment Scotland Policy Statement (2019) advises that development proposals should seek to preserve or enhance the character and appearance of Conservation Areas and that development proposals involving Listed Buildings should have high standards of design and should maintain their visual setting.

2.3.2 Historic Environment Scotland's (HES) Managing Change in the Historic Environment's Guidance Note on windows advises that maintenance and appropriate repair is the best means of safeguarding the historic character of a window or door and where a window is beyond repair, replacements must match the original design as closely as possible. Their guidance note on the use and adaptation of listed buildings advises that it is important to have an understanding of the significance of a building or a site's component parts before planning changes to it and normally the best way to communicate this significance is through an illustrated written document often called a conservation statement. The guidance states that the adaptation, alteration, extension and even partial demolition of buildings are all options which can, in the right circumstances, secure the continued use or re-use of listed buildings. The guidance states that the best solution for a listed building will be one which secures its long term future, while preserving as much as possible of its historic character.

2.3.4 Policies 1 and 10 of the Adopted FIFEplan advise that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area, whilst Policy 14 states that proposals will not be supported where it is considered that 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. Policy 14 also states that development will not be supported where it harms the character or appearance of listed buildings or their setting, including structures or features of special architectural or historic interest. Any proposals to alter listed buildings must also be sympathetic to the existing scale and character of the building. Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas advises that existing traditional windows should be retained and repaired wherever possible and that if windows are required to be replaced, they should match the originals wherever possible.

2.3.5 Fife Council's Culross Conservation Area Appraisal & Conservation Area Management Plan document provides a detailed conservation review of the town's Conservation Area boundaries. Further to this it also aims to highlight the key townscape, architecture and historic issues

considered to be important to the character of the town as a whole. The document identifies important conservation issues and provides a framework for the conservation area's future management. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within Scottish Planning Policy and the Historic Environment Scotland Policy Statement.

2.3.6 Fife Council's Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how developments proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.7 Concerns have been raised by the public that the double and clear glazing is out of character with this 19th Century building and that the proposal with its small rooms does not demonstrate well thought out design. It is considered, however, that the installation of new clear glazing within the existing frames to replace the existing frosted glazing with the existing frames and astragals to be retained would be visually in keeping with the existing building and would preserve the historic character of this Category C Listed Building and the surrounding Culross Conservation Area whilst enabling the building to be converted to a dwellinghouse. These alterations would also allow the long term future of the building to be secured whilst retaining as much as possible of its historic character. A draft condition is also recommended which requires details of the replacement glazing including sections to be submitted for approval in writing by Fife Council as Planning Authority and which requires the existing windows frames and astragals to be retained. The proposal would, therefore, be visually acceptable and would comply with the Development Plan in this respect.

## 2.4 Residential Amenity

2.4.1 PAN 1/2011 provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. Policies 1 and 10 of the 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 Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

2.4.2 Concerns have been raised by the public that the proposal would result in noise between the hours of 8 am and 8 pm and that it would alter the character of an area of established amenity. The Culross Community Council who are a statutory consultee have also provided general comments and advise that under no circumstances should the road be blocked during refurbishment works or by any subsequent users of the building and that construction works should be carried out in a sensitive manner so as not to disturb neighbouring residents. They also advise that they would rather see the building used as permanent family accommodation, however, they are keen to see the hall preserved and brought back into use.

2.4.3 Fife Council's Environmental Health Public Protection team (PP Team) have advised that they have no objections to the proposal. It is considered that the introduction of a 3 bedroom dwellinghouse to be used as holiday accommodation at this location would have no further significant detrimental impact on the surrounding area in terms of noise as there are similar holiday accommodation units within the area and as the proposal would be a compatible residential use

which would result in no significant change to the character of the area. The proposal would also introduce no new window openings and the rear windows are screened by an approximately 1.8 metre high wall and fence. It is, therefore, considered that there would be no further significant detrimental impact on the existing privacy levels of neighbouring residential properties. It is also considered that the construction works associated with this type of development would have no significant impact on the surrounding area as the works are not considered to be significant and they would be for a temporary period, however, the matter relating to construction disturbance would also be a matter which would be dealt with under separate legislation or by separate authorities outwith the control of the Planning system. Should such issues arise then they would be dealt with by these other relevant authorities (i.e. Fife Council's Environmental Health Team, the Police, Fife Council's Roads Team). The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.5 Garden Ground

2.5.1 Policies 1 and 10 and Fife Council's Planning Customer Guidelines on Garden Ground advise that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space and that a building footprint of 1:3 will be required. The guidance also advises that this plot ratio may be relaxed where proposals are of outstandingly high quality, in terms of their overall design, layout and density or the proposal would involve the conversion of a listed or redundant building into homes and its design means it is worth keeping, even if it is not in a conservation area.

2.5.2 The proposal would have no useable garden ground area associated with it, however, it is considered in this instance that this garden ground criteria could be relaxed as the proposal would involve the conversion of a listed redundant building which would allow the long term future of the building to be secured. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.6 Road Safety

2.6.1 Policy 1, Part C, Criterion 2 of the Adopted FIFEplan states that development proposals 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 advises 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 Supplementary Guidance (2018).

2.6.2 Fife Council's Transportation Development Management team advise that the existing use as a community hall (within the centre of a village) requires 5 off-street parking spaces per 100m<sup>2</sup> gross floor area, therefore, the existing use requires 7 parking spaces, whilst, the proposed use as a 3 bedroom dwellinghouse should have 2 off-street parking spaces. They, therefore, have no objections to the proposal as the existing community hall does not benefit from off-street parking, whilst, the proposal would also require less off-street parking than the existing use and on-street parking is very limited on the adjacent public road. They do advise that the hall would have been used by residents of Culross many of whom would have walked to the hall, however, the existing use would still have generated vehicle trips and there are also two large public car parks within walking distance of the proposal.

2.6.3 Concerns have been raised by the public that the proposal would have a detrimental impact on on-street parking and that there are already existing issues with parking on this street. They also request that parking restrictions should be mandated outside Cunningham House and consider that previous users of the hall would walk or be dropped off, whilst holiday makers would likely not park in the public car park. The concerns further state that people already park illegally on street and road markings prohibiting parking have worn away and not been replaced for some time. It is, however, considered that when compared to the existing use, which required more off-street parking and as there are also two large public car parks within walking distance of the site that the proposal would have no further significant detrimental impact on the surrounding area in terms of parking and road safety. It would also not be appropriate or reasonable in this instance to restrict parking on the street as this would be a matter which would be dealt with by other legislation such as the Traffic Regulations Scotland Act 1984 and the proposal is also considered acceptable in terms of road safety. It is noted that the objectors consider that any holidaymakers would not park in the public car park, however, there is limited parking on the street and any holidaymakers should follow the rules of the road and should not park illegally and as stated the proposal would actually require less parking than the existing use. The proposal would therefore be acceptable in this instance.

## 2.7 Waste Management

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

2.7.2 Concerns have been raised that it would appear difficult for the proposal to provide the proposed refuse bins, however, the submission states that waste and recycling bins would be stored on the rear paved area. The proposal would, therefore, provide the required waste management facilities and would have no significant detrimental impact on amenity in relation to the operation of existing or proposed waste management facilities when compared to the existing community use. The proposed development would, therefore, be acceptable and would comply with Development Plan Policy in this respect.

### CONSULTATIONS

Community Council	No objections
Transportation And Environmental Services -	No objections
Operations Team	No objections
Transportation, Planning Services	No objections
Scottish Water	No objections
Environmental Health (Public Protection)	No objections

### REPRESENTATIONS

Nine letters of objection and general comments from the Culross Community Council have been received in relation to this application. The material planning considerations relating to these concerns have been addressed under sections 2.3 (Design, Scale and Finishes/Visual Impact

on Historic Character of Listed Building and Conservation Area), 2.4 (Residential Amenity), 2.5 (Road Safety) and 2.7 (Waste Management) of this report of handling. The other concerns which have been raised include:

- Drawings include limited information, for example, the main area is described as encompassing kitchen, living and dining room but does not specify where kitchen is and no information is provided on what fuel would be used in kitchen or for heating.
- Culross needs more permanent residents and not a holiday let.
- No shortage of tourism and there are very few businesses which would benefit from tourism.
- The poor standard of accommodation would not enhance tourism in the area.
- Welcome sale of hall and it being repaired, however, Culross does not need another holiday let as there is currently 5 holiday homes, 3 bed and breakfasts, 3 cafes and one pub.
- There has been flooding in a significant number of buildings close to the hall and relevant authorities should be consulted.
- Proposal could be used as an 8 to 10 person bunkhouse.

It is considered that sufficient detail and information including site layout drawings has been submitted to allow a full assessment of the proposal to be carried out. The living, kitchen and dining area shown on the drawings is an open plan area and it does not have to specify the exact location of the kitchen or living area. Any other internal alterations which would alter the character of this Listed Building would also require a separate application for listed building consent. The matter relating to the type of fuel to be used and whether the proposal uses gas or electricity is not a material planning consideration and the existing hall would have been heated previously.

The matter relating to the need or demand for a holiday accommodation unit at this location is not a material planning consideration. These matters would be dealt with through market forces and supply and demand and Section 2.2 (Principle of the Development) also deals with why the site is suitable in principle for this type of use and the matter relating to the tourism benefit.

It was not considered necessary to consult SEPA regarding a proposal of this type and in relation to flooding as this was not required as per Schedule 5 (Consultation by the Planning Authority) of The Town and Country Planning (Development Management) Procedure (Scotland) Regulations 2013. The proposal would not introduce a new building to the area and Schedule 5 states that SEPA should only be consulted where "the development is likely to result in a material increase in the number of building at risk of being damaged by flooding".

The matter relating to the proposal being used as an 8 to 10 person bunkhouse it not material as the drawings show a three bedroom holiday dwellinghouse which would be let out as holiday accommodation and the proposal is being assessed as such.

## **CONCLUSIONS**

The proposal subject to conditions is considered acceptable in meeting the terms of the Development Plan and National Guidance. The proposal is considered to be compatible with its surrounds in terms of land use; would not cause any significant detrimental impacts on the amenity of the surrounding area or road safety and is considered acceptable in terms of its visual impact on the surrounding Culross Conservation Area and this Category C Listed Building.

## **RECOMMENDATION**



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

1. BEFORE ANY WORKS START ON SITE; details of the proposed glazing including existing and proposed sections through the windows shall be submitted for approval in writing by Fife Council as Planning Authority. FOR THE AVOIDANCE OF DOUBT; the existing window frames and structural astragals shall be retained.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the Culross Conservation Area and this Category C Listed Building.

<b>STATUTORY POLICIES, GUIDANCE &amp; BACKGROUND PAPERS</b>
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In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Policy and Guidance

Scottish Planning Policy (SPP) (2020)

PAN 1/2011 Planning and Noise

Historic Environment Scotland Policy Statement (2019)

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance on Windows and Use and Adaptation of Listed Buildings

Development Plan

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

Other Guidance

Fife Council's Culross Conservation Area Appraisal & Conservation Area Management Plan

Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas

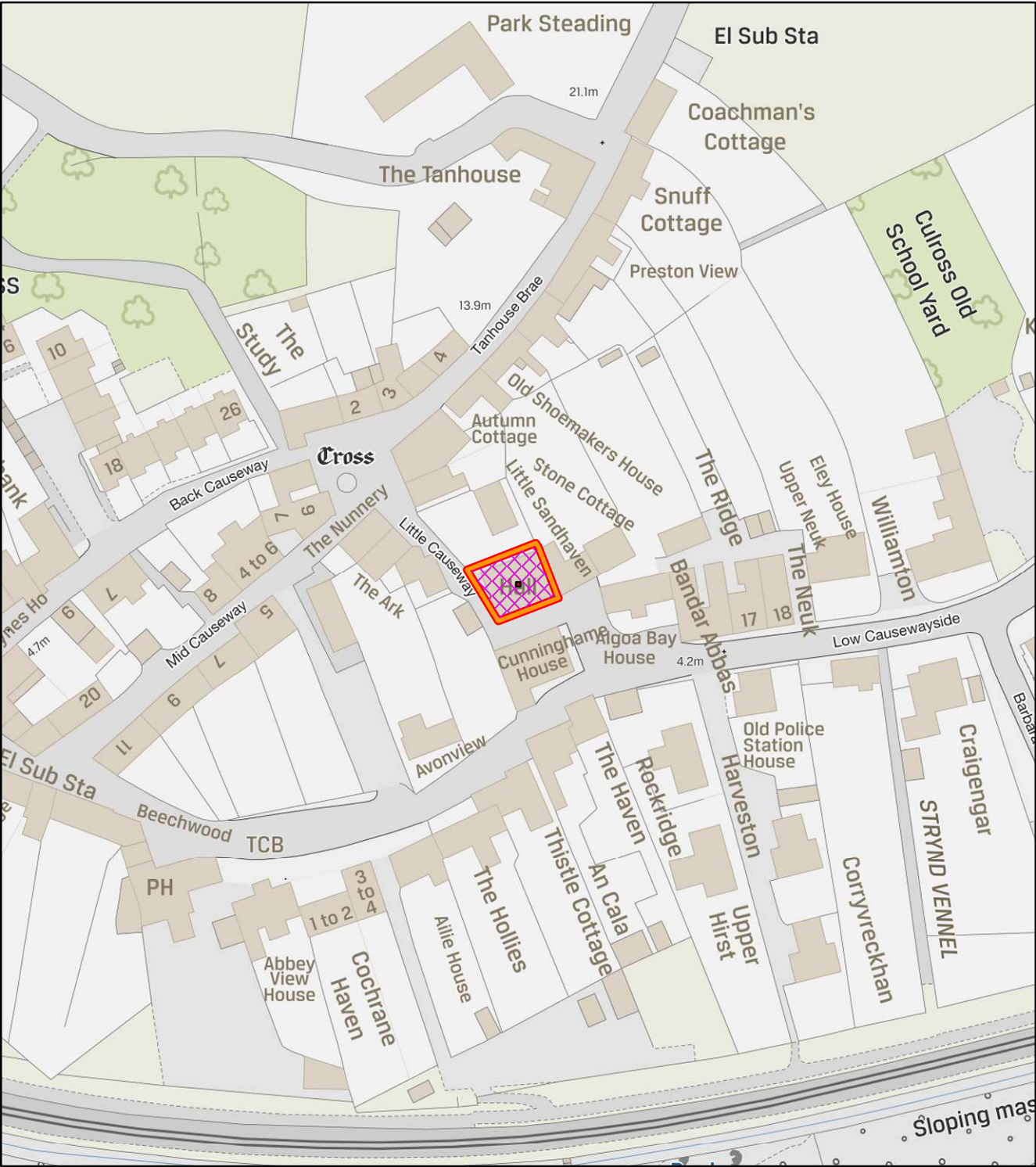
Fife Council's Minimum Distance between Windows Guidance

Report prepared by Scott Simpson, Chartered Planner

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 5/3/21.

Date Printed 16/02/2021

Stephen Memorial Hall Back Street Culross Dunfermline



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Legend

 Application Boundary







Economy, Planning & Employability Services

**ITEM NO: 9****APPLICATION FOR LISTED BUILDING CONSENT REF: 20/02985/LBC****SITE ADDRESS: STEPHEN MEMORIAL HALL BACK STREET CULROSS****PROPOSAL : LISTED BUILDING CONSENT FOR INTERNAL AND EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF REPLACEMENT GLAZING****APPLICANT: GARDENFIELD PROPERTIES LTD  
14 LADYCROFT BALERNO UNITED KINGDOM****WARD NO:** W5R01  
West Fife And Coastal Villages**CASE OFFICER:** Scott Simpson**DATE** 22/12/2020  
**REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

this application could be determined under delegated powers, however, it is considered expedient to allow the listed building consent and associated full planning application (20/02984/FULL) to both be determined by Committee.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the

desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

## 1.0 BACKGROUND

1.1 This application relates to Stephen Memorial Hall which is located on the corner of Back Street and Little Causeway within the Culross Settlement Boundary and the Culross Conservation Area as designated within the Adopted FIFE Plan (2017). The property is a single storey end terraced Category C Listed Building which has a stone finish, eight paned timber framed windows with structural astragals and a pitched roof clad in slate. The property also has a lean-to single storey rear extension which has a mono-pitch roof clad in slate, a stone finish and timber casement windows with top hoppers. The rear of the property is bound by an approximately 1.8 metre high stone wall and timber fence. The property was previously used as a community centre (Class 10) and the site is surrounded by residential properties. The site has no off-street parking associated with it.

1.2 The proposal seeks listed building consent for internal and external alterations including installation of replacement glazing. The supporting information also advises that the existing roof requires to be repaired, however, this is considered to be repair and maintenance and does not form part of this assessment. There are also no other external alterations proposed. The proposed internal alterations include the removal of the existing kitchen units, internal partitions within the existing WC areas and the erection of partitions to form a new internal storm porch area.

1.3 There is no recent relevant planning history for the site.

### 1.4 Application Process

1.4.1 A physical site visit has not been undertaken for this planning application, however, the case officer has visited the site for a previous pre-app (19/03638/PREAPP) on 20th January 2020 and site photos are also included within the Planning Statement. 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 current Covid restrictions also mean that Fife Council is unable to guarantee that site notices will be displayed on every relevant application site and a site notice has not been displayed at this application site, however, all site notices are published at [www.tellmescotland.gov.uk/notices](http://www.tellmescotland.gov.uk/notices).

1.4.2 This application is being processed in conjunction with an application for full planning permission (20/02984/FULL) which is also on the agenda for determination at this Planning Committee.

## 2.0 ASSESSMENT

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

2.2 Design, Scale and Finishes/Visual Impact on Historic Character of Listed Building and Conservation Area

2.2.1 Scottish Planning Policy and the Historic Environment Scotland Policy Statement (2019) advises that development proposals should seek to preserve or enhance the character and

appearance of Conservation Areas and that development proposals involving Listed Buildings should have high standards of design and should maintain their visual setting.

2.2.2 Historic Environment Scotland's (HES) Managing Change in the Historic Environment's Guidance Note on windows advises that maintenance and appropriate repair is the best means of safeguarding the historic character of a window or door and where a window is beyond repair, replacements must match the original design as closely as possible. Their guidance note on the use and adaptation of listed buildings advises that it is important to have an understanding of the significance of a building or a site's component parts before planning changes to it and normally the best way to communicate this significance is through an illustrated written document often called a conservation statement. The guidance states that the adaptation, alteration, extension and even partial demolition of buildings are all options which can, in the right circumstances, secure the continued use or re-use of listed buildings. The guidance states that the best solution for a listed building will be one which secures its long term future, while preserving as much as possible of its historic character.

2.2.3 Policies 1 and 10 of the Adopted FIFEplan advise that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area, whilst Policy 14 states that proposals will not be supported where it is considered that 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. Policy 14 also states that development will not be supported where it harms the character or appearance of listed buildings or their setting, including structures or features of special architectural or historic interest. Any proposals to alter listed buildings must also be sympathetic to the existing scale and character of the building. Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas advises that existing traditional windows should be retained and repaired wherever possible and that if windows are required to be replaced, they should match the originals wherever possible.

2.2.4 Fife Council's Culross Conservation Area Appraisal & Conservation Area Management Plan document provides a detailed conservation review of the town's Conservation Area boundaries. Further to this it also aims to highlight the key townscape, architecture and historic issues considered to be important to the character of the town as a whole. The document identifies important conservation issues and provides a framework for the conservation area's future management. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within Scottish Planning Policy and the Historic Environment Scotland Policy Statement.

2.2.5 Fife Council's Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how developments proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.2.6 Fife Council's Built Heritage Officer has advised that further information is required in terms of the glazing and the paint finish needs to be white whilst other internal alterations may be required due to the insertion of bathrooms and kitchens. The agent has confirmed that repainting of the windows does not form part of this proposal and there are no other external alterations proposed apart from those mentioned in section 1.2 of this report of handling. It is considered that the installation of new clear glazing within the existing frames to replace the existing frosted

glazing with the existing astragals and frames to be retained would be visually in keeping with the existing building and would preserve the historic character of this Category C Listed Building and the surrounding Culross Conservation Area. The proposed internal alterations as set out in section 1.2 of this report of handling are considered to be appropriate as they would be in keeping with the Listed Building and do not significantly alter any features of special architectural or historic interest. These alterations would also allow the long term future of the building to be secured whilst retaining as much as possible of its historic character. A draft condition is also recommended which requires details of the replacement glazing including sections to be submitted for approval in writing by Fife Council as Planning Authority and which requires the existing windows frames and astragals to be retained. The proposal would, therefore, be visually acceptable and would comply with the Development Plan in this respect.

## **CONSULTATIONS**

Community Council  
Built Heritage, Planning Services

No objections  
Further information required (addressed by condition)

## **REPRESENTATIONS**

One letter of objection and general comments from the Culross Community Council have been received in relation to this application. The concerns raised include:

- Issues with parking

The Culross Community Council who are a statutory consultee have also provided general comments and advise that under no circumstances should the road be blocked during refurbishment works or by any subsequent users of the building and that construction works should be carried out in a sensitive manner so as not to disturb neighbouring residents. They also advise that they would prefer to see the building used as permanent family accommodation, however, they are keen to see the hall preserved and brought back into use.

The matter relating to parking and construction disturbance is not a material planning consideration in the assessment of this application, however, these matters have been fully considered under the corresponding full planning application (20/02984/FULL).

## **CONCLUSIONS**

The proposal is considered acceptable in meeting the terms of National Guidance and the Development Plan and is compatible in terms of its impact on the special character and fabric of the listed building. The proposal is approved subject to conditions relating to the submission of external finishing materials. The proposal would, therefore, have no significant detrimental visual impact on the Category C Listed building or the surrounding area.

## **RECOMMENDATION**

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

1. BEFORE ANY WORKS START ON SITE; details of the proposed glazing including existing and proposed sections through the windows shall be submitted for approval in writing by Fife Council as Planning Authority. FOR THE AVOIDANCE OF DOUBT; the existing window frames and structural astragals shall be retained.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the Culross Conservation Area and this Category C Listed Building.

<b>STATUTORY POLICIES, GUIDANCE &amp; BACKGROUND PAPERS</b>
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In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Policy and Guidance

Scottish Planning Policy (SPP) (2020)

Historic Environment Scotland Policy Statement (2019)

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Windows and Use and Adaptation of Listed Buildings

Development Plan

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

Other Guidance

Fife Council's Culross Conservation Area Appraisal & Conservation Area Management Plan

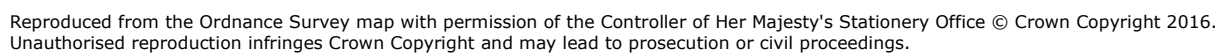
Report prepared by Scott Simpson, Chartered Planner

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 5/3/21.

Date Printed 16/02/2021



# Stephen Memorial Hall Back Street Culross Dunfermline



## Economy, Planning &amp; Employabilty Services



**ITEM NO: 10**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 20/00215/FULL**

**SITE ADDRESS: DUNEARN FARM DUNEARN BURNTISLAND**

**PROPOSAL : ERECTION OF DWELLINGHOUSE, FORMATION OF  
HARDSTANDING AND ASSOCIATED VEHICULAR ACCESS**

**APPLICANT: MR RODERICK LOW  
DUNEARN FARM DUNEARN BURNTISLAND**

**WARD NO:** W5R09  
Burntisland, Kinghorn And West Kirkcaldy

**CASE OFFICER:** David Shankland

**DATE** 31/01/2020  
**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 which are contrary to the recommendation made by the Planning Authority.

#### **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 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 a parcel of grassland of approximately 0.16 hectares in size which is situated within the grounds of Dunearn Farm approximately 1.5 kilometres to the north-west of the settlement of Burntisland. The site itself, which is currently used for the storage of timber associated with the existing business operations at Dunearn Farm, is located at the main entrance to the existing farm buildings off Standing Stanes Road via the A909. The application site is defined in the Adopted FIFEplan (2017) as being situated in the countryside within Cullaloe Hills and Coast Local Landscape Area, an existing Green Network Asset, and within a Green Network Policy area known as Binn Hill. Fife Council records indicate that the application site is not Prime Agricultural Land and is instead classed as Category 6.2 (Non-Prime Land suitable for Rough Grazing only). Core Path P468/07 also runs in an east-west direction to the south of the application site.

1.1.2 The existing farm itself, which has been in the applicant family's ownership since the 1960s, extends to approximately 143.13 acres and combines livestock farming; a forestry and timber business; and a commercial fly-fishing business. The existing farmhouse (Dunearn Cottage) and boundary wall and gate piers are Category C Listed, which is situated approximately 120 metres to the west of the application site. Three further agricultural buildings used for housing of sheep flock, the drying and storing of wood prior to distribution to the local area and for general storage are also located to the west of the application site. To the north, the site bounds onto the existing mixed plantation managed by the applicant which consists of various young specimens; to the east the site bounds onto further agricultural land within the ownership of the applicant; to the south, the site bounds onto the access track to the farm, adjacent to which is Standing Stanes Road and the core path; and to the west, the site bounds further agricultural land, including, as aforementioned, the applicants existing farmhouse and associated agricultural buildings. There are two existing vehicular access points to the farm to the south-east and south-west of the application site which are taken off Standing Stanes Road.

### 1.2 Proposal

1.2.1 Planning permission is sought for the erection of a dwellinghouse, formation of hardstanding and associated vehicular access. In addition to the relevant scaled drawings, the applicant has also submitted a Design Statement, a Planning Statement, a Supporting Letter, an Agricultural Justification Report, an Agricultural Report, an Ecological Report, a Transportation Survey and a Low Carbon Checklist Statement for consideration. In regard to the design, the applicant proposes to erect a well-considered contemporary dwellinghouse reinterpreting the existing typology of agricultural buildings which would also take advantage of solar gain to achieve an energy efficient development. The proposed dwellinghouse would be a maximum of one storey in height with a pitched roof. It is proposed to clad the dwellinghouse in a combination of black and natural timber with exposed timber frame where it is anticipated the majority of which will be sourced from the existing farm. In addition to an air source heat pump it is also proposed to install solar panels which would take full advantage of the southern outlook and timber framed triple glazed windows. The proposed dwellinghouse would have a footprint of approximately 155 square metres and internally would provide 3 bedrooms, a kitchen and lounge, 2 bathrooms and a utility room. A stone filled gabion wall at approximately 2 metres in

height is also proposed to be erected along a section of the northern boundary of the site to the rear of the proposed dwellinghouse however the wall in itself does not require planning permission. Off-street parking is proposed on the western section of the site with vehicular access proposed to be taken from the existing vehicular access track to the farm.

### 1.3 Planning History

1.3.1 There is no recent planning history to the site.

### 1.4 Application Process

1.4.1 The application, due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

## 2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Design/ Visual Impact on Local Landscape Area and setting of Listed Building
- Residential Amenity
- Garden Ground
- Trees/ Ecology
- Road Safety
- Contaminated Land
- Access
- Prime Agricultural Land
- Low Carbon

### 2.2 Principle of Development

2.2.1 The Scottish Planning Policy (2020) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act.

2.2.2 The SPP (Promoting Rural Development), amongst other criteria, states that in areas of intermediate accessibility and pressure for development, Development Plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan. It elaborates that in accessible or pressured rural areas, plans and decision making should generally guide most new development to locations within or adjacent to settlements.

2.2.3 The SPP (Enabling Delivery of New Homes) continues that the Planning system should, again amongst other criteria, enable the provision of a range of attractive, well-designed, energy efficient and good quality housing. In rural areas where there is no functional housing market area, the SPP continues that the development plan should set out the most appropriate approach to the area. Policy 5 of SESplan broadly corresponds with the SPP.

2.2.4 Policy 13 of SESplan requires Local Plans to review and justify additions or deletions to countryside designations fulfilling a similar function to those of the Green Belt as appropriate. It elaborates that opportunities for contributing to the Green Network proposals should also be identified in these areas. Policy 1, Part A, of the Adopted Local Plan 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 1, Part B, of the Adopted Local Plan continues that development, in the case of proposals in the countryside or green belt, must be a use appropriate for these locations and accords with Policies 7 and 8.

2.2.5 Policy 7 of the Adopted Local Plan stipulates that development in the countryside will be supported where it (1) is required for agricultural, horticultural, woodland or forestry operations; or (2) will diversify or add to the above land-based businesses to bring economic support to the existing business; or (3) is for the extension of established businesses; or (4) is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within the settlement boundary which contributes to the Council's employment land supply requirements; or (5) is for facilities for access to the countryside; or (6) is for facilities for outdoor recreation, tourism or other development which demonstrates a proven need for a countryside location; or (7) is for housing in line with Policy 8 (Houses in the Countryside). In all cases, development must be of a scale and nature compatible with surrounding uses; be well located in respect to available infrastructure and contribute to the need for any improved infrastructure; and not result in an overall reduction in the landscape and environmental quality of the area.

2.2.6 Policy 8 of the Adopted Local Plan sets out specific criteria for the siting of new housing in the countryside. The principle of the development of houses in the countryside will only be supported by the Planning Authority where at least one of the specific criteria are met. In this particular case, Policy 8, criterion 1, of the Adopted Local Plan is relevant which states that proposals for housing in the countryside, may be acceptable, if it is essential to support an existing rural business. The policy continues that the fact that a business is established in a rural area is not enough to justify building a house in the countryside or Green Belt. Proposals for housing must justify the need to have residential accommodation and a continuous presence at the site. They will also need to demonstrate that there is no potential for using existing accommodation in the area or the renovation of an existing property. There should also be no evidence of houses or plots having previously been sold from the farm or business holding to private buyers. To justify a housing proposal, a site selection report will require to be submitted, illustrating how the site has been chosen and the stages undertaken to arrive at the chosen location. For housing associated with an existing business the house should be sited so that it fulfils the purpose its intended for and be located close to existing buildings. Planning permission will not be granted if the house is: in an isolated position; on a prominent site; or sited at a distance from existing building groups. Where planning permission is sought for a house based on its relationship to agriculture, forestry, or another type of rural business, supporting information will need to be submitted to allow the proposal to be assessed. For agriculture and forestry, this information will need to include: where the farm or business boundaries are; the number of existing buildings; whether buildings are used or occupied or not; the number of workers, where they live and if they are full or part time; the type of work the house is needed for and why; and any other information the applicant feels is necessary to justify the proposal.

2.2.7 As detailed in the background section of the report, supporting information in the form of a Planning Statement (PS), a Supporting Letter (SL) and an Agricultural Justification Report (AJR) prepared Galbraith have been submitted for consideration with the planning application.

2.2.8 The submitted PS states that Dunearn Farm extends to approximately 143.13 acres which, when broken down, equates to approximately 54.76 acres of permanent grassland, 6.87 acres of rough grazing, 80.78 acres of woodland and 0.72 acres of open woodland (grazed). The statement also confirms that the existing farm has been in ownership of the applicant's family since the 1960s, when the applicant's grandfather took ownership. The statement continues that, traditionally, the business had run as a sheep enterprise with previously farming deer and cattle but since taking ownership of the farm the business has also undergone substantial changes and diversification since then. This includes the timber enterprise with the processing of firewood which is identified in the SL have taken place at Dunearn since the Dutch Elms disease hit the UK in the 1970s/80s. The supporting information continues to advise that the existing timber enterprise has been going on from strength to strength and, particularly since it was reshaped in 2010, has been very successful which in turn requires significant labour, especially during the winter months.

2.2.9 The PS continues to advise that the existing farm business is run as a partnership between the applicant and his parents who stay in the existing 5 bedrooomed listed farmhouse (Dunearn Cottage) with their two teenage foster children. The existing farmhouse itself, as detailed in the background section of the report, is situated to the south of the existing farm amongst the existing farm buildings, approximately 120 metres to the west of the application site. The existing buildings at the farm comprise of three general purpose buildings used for general storage and the housing of sheep flock during lambing time. In addition, the buildings are also used for drying and storing wood prior to distributing to the local area. There is also a reservoir (Stenhouse Reservoir) on the grounds to the west of the farm buildings which is operated as a commercial fly-fishing business by the applicant and his mother and father. Whilst the existing farmhouse is located within the group of farm buildings, the agent has also confirmed in the SL that Dunearn Farm has been affected by theft in the past with the most significant being the theft of two quad bikes in 1998 which impacted the sum of £15,000. More recent thefts include gates being stolen in 2018 at the farm.

2.2.10 The proposed development is for the erection of a single storey 3 bedrooomed dwellinghouse to the east of the existing farmhouse where the applicant's parents would live with their foster children as they continue to work on the farm. This would then allow the applicant to move to the farm to live in the existing farmhouse with his partner. The SL and PS advise that the future success of the farm operations requires the need for an additional dwellinghouse to be erected within the farm which would enable the applicant to take over the physical side of the business with his parents moving more towards administrative roles which is necessary following the applicant's father's poor health and stamina after chemotherapy. This would also crucially allow the timber enterprise to grow and provide the necessary 24/7 presence on the farm to deal with customers when required which could result in the loss of revenue to the business if someone was not present whilst also providing a continuous on site presence i.e. security/animal welfare etc. The statement also advises that there is no other habitable accommodation on site or unoccupied buildings within the farm that could be converted to residential use.

2.2.11 In addition to the PS and SL, and as aforementioned, the agent has also submitted an Agricultural Justification Report (AJR) prepared by Galbraith LLP to provide justification for the proposed dwellinghouse as per the requirements of Policy 8 of the Adopted Local Plan. Galbraith LLP is a recognised land agent who have been involved in farming business for a number of years and is quoted as having significant experience of providing farm management and technical advice to farmers and landowners across Scotland. The AJR, and consistent with

the PS, confirms that Dunearn Farm extends to approximately 143.13 acres. The report also confirms that its remit is to consider the justification for an additional dwellinghouse by (a) taking into account detailed information regarding the enterprises of the existing rural business, the number and location of animals kept, the man power required for the efficient running of the business and the present full-time and/or part-time workers and their occupations; (b) details of existing dwellinghouse on the land; and (c) details of who resides at the existing dwellinghouse on the holding and how this relates to existing labour on the farm. The report continues from the outset that it is also recognised that it is a normal requirement in a report of this nature to base the findings on published authorities on the matter and to give full reference to the text used. However, in the case of the timber enterprise at Dunearn Farm the submitted AJR also acknowledges that this type of business is very rare with very little technical guidance available. In this regard, it continues that a supporting letter has therefore been prepared by an experienced forester to support the figures supplied within the report. In respect to the existing business operations at Dunearn Farm, the AJR also confirms that the farm has been run as a sheep enterprise with the timber enterprise run alongside this. Other enterprises of the farm are haymaking and fly fishing which is run at Stenhouse Reservoir. With respect to the timber enterprise, the report confirms that the objective of the business is to supply seasoned firewood to the local community using a mixture of home produced and bought in timber.

2.2.12 The report confirms that approximately 25% of the processed timber is sourced from the existing farm through thinning operations carried out by the applicant with the remaining 75% being sustainably sourced from local estates and farms. The report continues that the timber enterprise processes around 200 tonnes of timber per annum which is delivered to domestic customers mainly within a 10-mile radius. The report also states that the applicant carries out the existing labour demands at the farm as his parents are only able provide very limited additional support in this regard due to the applicant's father's ill health as he recovers from myeloma cancer. There are no full-time or part-time employees at the family run business. The report also confirms that that the applicant's parents currently live with their two teenage foster children in the one farmhouse at Dunearn. Unfortunately, due to the applicant's father's poor health as a result of cancer he is unable to carry out the labour demands of the rural business. As a result, it is now proposed to erect a dwellinghouse to the east of the existing farmhouse for the applicant's parents and foster children to move into which would enable the parents to continue to work at the farm, albeit on a more administrative role. This would then enable the applicant and his partner to move into the existing farmhouse. The report further states that there is no other habitable accommodation on the farm or the potential for the renovation of an existing property. The report calculates the labour requirements for Dunearn Farm equates to 2.23 labour units and concludes that there is a justification for an additional dwellinghouse on the strength of the current business. The planning submission considers that it is essential that the applicant's parents live on the farm to ensure sustain continuous business support and control, maximise the efficiency of the business operations, improve security and to provide animal health & welfare and safety measures.

2.2.13 In addition to the above, the PS illustrates the site selection process which was undertaking which was based on the applicant's parents' requirements for a low energy, accessible home within close proximity to the existing farm buildings in accordance with the requirements of Policy 8 of the Adopted Local Plan. The PS successfully discusses why the site was chosen and how it achieves all the key material considerations in respect to the site selection process in this regard.

2.2.14 Concerns have been received from 3rd parties in respect to the principle of the development and the need for an additional dwellinghouse to be erected within the farm. The

concerns also consider there to be insufficient information to support the proposed development in respect of the requirements of the Adopted Local Plan. Whilst these concerns are respectfully noted, it is considered that sufficient evidence and justification, as detailed above, has been provided which demonstrates that the erection of a dwellinghouse within the grouping of the existing farm buildings is essential for the continued operation of the existing business.

2.2.15 Letters of support have also been received from 3rd parties which illustrate their support of the development which would help ensure the continued success of the rural business and management of the farm.

2.2.16 In this instance, and in light of the above, sufficient information and justification has been submitted with the planning application which demonstrates that the principle of the erection of a dwellinghouse within close proximity of the main farm buildings is essential to support the existing rural business. It is therefore considered that the application therefore meets the principle aims of national guidance and the Development Plan in respect to the erection of a dwellinghouse within the countryside. Notwithstanding the principle of the development being looked upon favourably, the overall acceptability of such a development must also meet other policy criteria for which these issues are considered in detail below.

## 2.3 Design/Visual Impact on Local Landscape Area and setting of Listed Building

2.3.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 applies and states that, in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Scottish Planning Policy (2020) (Valuing the Historic Environment), Historic Environment Scotland (HES) Policy Statement (April 2019) and Managing Change in the Historic Environment - Setting (2016) and Policies 1 and 14 of the Adopted Local Plan also apply in this instance. In this regard, the policies will be applied to assess the visual impact of the proposed development on the setting of the Category C Listed Dunearn Cottage and boundary wall and gate piers, which are located to the west of the application site with an agricultural shed in-between.

2.3.2 In addition to the above, one of the aims of SESplan is to conserve and enhance the built and natural environment.

2.3.3 Policies 1 and 10 of the Adopted Local Plan aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area. Policy 7 of the Adopted Local Plan elaborates that in all cases; development must be of a scale and nature compatible with surrounding uses and will not result in an overall reduction in the landscape and environmental quality of the area. Policy 11 of the Adopted Local Plan continues that the Council will require to be satisfied that there will be an acceptable impact on landscape and visual impacts, including landscape character.

2.3.4 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. The guidance also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.5 As the application site also located in the countryside within Cullaloe Hills and Coast Local Landscape Area. The site also lies within the Green Network Policy Area known as Binn Hill. The Binn Hill Green Network Area encompasses the wooded cliffs of Binn Hill. The Binn Hill Green Network defines the northern edge of Burntisland and Kinghorn, contributing to the area's high value landscape setting and biodiversity value. Whilst there are no specific green network opportunities for enhancement relating to the proposal site the impact of the development on the wider area should be a consideration with respect to protecting and/or enhancing the area's high value landscape setting.

2.3.6 Letters of support have been received by the public who consider the dwellinghouse to be a well-designed and sensitively considered proposal which would blend into its immediate surroundings within Dunearn Farm which would also enhance the appearance of the site into the landscape. These comments are duly noted and accepted by Fife Council as Planning Authority. In this regard, it is considered that the proposal represents a well-considered contemporary response to the development of the grassed area of land which has been used for the storage of timber. The proposed dwellinghouse has been carefully and successfully designed to respond to its location within the established existing rural business at Dunearn Farm. The proposed single storey dwellinghouse has been designed to follow the natural gentle slope of the site whilst the use of additional renewable technologies such as solar pv's, an air source heat pump and correct orientation would ensure the proposed development would also minimise its impact on the environment. The proposal to clad the dwellinghouse in a combination of black and natural timber, which will predominately be sourced from the existing farm, would strengthen the connection of the site to the existing farm and provide an exemplar development which responds to its location. The colour of the proposed cladding would also allow the proposal to have a low visual impact, despite its sensitive setting, on its surroundings, sitting naturally within the context of the site and the plantation to the north. The proposed development would also have no detrimental impact on the setting of the Category C Listed Dunearn Cottage to the west.

2.3.7 In the context, it is considered that it has been clearly demonstrated within the submitted scaled drawings, the Design Statement and Planning Statement that the proposed development represents an example of a sympathetically designed development which respects and enhances the characteristics of both the setting within Dunearn Farm, the wider Local Landscape Area and the Binn Hill Green Network Area. The application is considered therefore to meet the requirements of national guidance and the Development Plan in this regard.

## 2.4 Residential Amenity

2.4.1 Policies 1 and 10 of the Adopted Local Plan states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to a variety of issues including: the loss of privacy, sunlight and daylight and overshadowing.

2.4.2 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, Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.



2.4.3 The nature of the development is deemed to be acceptable and given the nearest residential property is located approximately 120 metres to the west there would be no detrimental impact on the amenity of existing or proposed land uses. The application therefore meets the requirements of the Development Plan and other supplementary guidance in this regard.

## 2.5 Garden Ground

2.5.1 Policies 1 and 10 of the Adopted Local Plan require new development to provide a layout that contributes to successful places. Fife Council's Planning Customer Guidelines on Garden Ground requires all new residential properties to be served by garden ground sufficient in quantity, quality and usability to provide for normal needs and activities of future residents. This means all new dwellinghouses must have a minimum of 100 square metres of useable private garden ground and to provide a plot ratio of 1:3.

2.5.2 The proposed development adequately meets the requirements of the policy described above. The application therefore meets the requirements of the Development Plan relating to garden ground.

## 2.6 Trees/ Ecology

2.6.1 Policies 1 and 13 of the Adopted Local Plan support proposals where they protect or enhance natural heritage assets which include trees. In addition, Making Fife's Places Supplementary Guidance (2018) provides further advice and guidance and states that development proposals will only be supported where they protect or enhance natural heritage assets, including trees which have a landscape, amenity or nature conservation value. Furthermore, Appendix D: Site Appraisal Information - Trees of the supplementary guidance confirms that an Arboricultural Impact Assessment (AIA) will be required at the full planning permission stage which will require to evaluate information relating to the tree survey, tree retention/removal plan, tree loss, tree protection and mitigation planting and an arboricultural method statement which illustrates how the site is to be developed and details relating to monitoring. It elaborates that where large semi-mature/mature trees are present on and adjacent to a development site, distances greater than the British Standard will be expected and no new buildings or gardens should be built within the falling distance of the tree at its final canopy height. Policy 13 continues that development proposals will only be supported where they protect or enhance natural heritage and access including woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Where adverse impacts on existing assets are unavoidable the Planning Authority will only support proposals where these impacts will be satisfactory mitigated.

2.6.2 As detailed in the background section of the report, the development site relates to a parcel of grassland of approximately 0.16 hectares in size which is situated to the south of a young mixed plantation controlled by the applicant as part of the timber business. The plantation is not protected by a Tree Preservation Order. The agent in addition to the scaled drawings which indicate that the proposed dwellinghouse would be located in excess of 5 metres from the trees, has also submitted an ecological report and survey for consideration. In direct response to existing trees, Fife Council's Tree Officer has been consulted and having assessed the content of the application has raised no objection to planning permission being granted subject to the inclusion of a condition that requires details of tree protection measures to be submitted for approval in writing and thereafter implemented in full prior to any on-site construction work, i.e. site clearance, and the fencing to remain for the duration of the site build. In regard to the

submitted ecological report, appropriate assessments of the nature conservation sites and a walkover ecological field survey for protected species and habitats within and adjacent to the site were carried out. The report concludes that no designated conservation sites would be affected from the proposed development and there was no evidence of protected species found during the field survey. Fife Council's Natural Heritage Officer (NHO) has assessed the content of the submissions and has confirmed the proposal is acceptable in this regard. The NHO therefore concludes that they have no further comments to make on the submission and are not opposed to planning permission being granted.

2.6.3 The application, subject to the inclusion a condition relating to the submission of tree protection measures for approval in writing, complies with national guidance, the Development Plan and supplementary guidance in this regard.

## 2.7 Road Safety

2.7.1 Policy 1, Part C, criterion 2, requires development proposals to provide on-street infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of the Adopted Local Plan, amongst other criteria, continues that development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Accordingly, development proposals are required to demonstrate how they address any impacts on road safety. Policy 10 of the Adopted Local Plan supports development where it does not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Making Fife's Places Supplementary Guidance and Fife Council's Transportation Development Guidelines.

2.7.2 As detailed in the background section of the report, additional information in the form of a speed survey was recently submitted for consideration in support of the proposed development. In direct response, Fife Council's Transportation Development Management Team (TDMT) were further consulted on the application who note from the content of the submission that the surveys were carried out over a week and show an 85%ile speed of 29.6 mph, with the average speed being 21.2 mph. As a result, the team have confirmed that the provision of the proposed 3m x 60m (rather than 3m x 210m) visibility splays in both directions at the junction of each vehicular access with the public road is acceptable. The team conclude that they have no objections to planning permission being granted subject to the inclusion of conditions relating to the provision of the proposed visibility splays and the provision of 2 off-street parking spaces within the curtilage of the site.

2.7.3 The application, subject to the inclusion of the conditions recommended by the TDMT, meets the requirements of the Development Plan regarding road safety.

## 2.8 Contaminated Land

2.8.1 Policies 1 and 10 of the Adopted Local Plan advise that development proposals must not have a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area. Where risks are known to be present, appropriate mitigation measures should be agreed with the Council and where possible remediation strategies should be agreed prior to the determination of any planning application.

2.8.2 Fife Council's Land and Air Quality Team (LAQT) has been consulted and, as per the advice provided to the applicant prior to the submission of the formal planning application, has confirmed that their records indicate that the site of the proposed development has been subject of long-term agricultural use. The team continue that the information provided by the applicant confirms that the site has been utilised for sheep farming for a period of around 60 years. As a result, and given the suspected presence of a former sheep wash on the western half of the proposed development, the team continue to advise that the applicant be advised that a Geo-Environmental - Site Specific Risk Assessment should be undertaken and submitted to the Planning Authority for comment prior to any works commencing on site. No specific information has been submitted in support of the application to address the comments provided by the LAQT other than a statement in the PS that advises that the applicant can confirm that the site itself was previously a grass strip utilised for grazing, but more recently used for storing hardwood ready for processing into firewood. Whilst noted, there is insufficient information submitted within the application to address the comments made by the LAQT. The team therefore conclude in their assessment of the application that the proposal is acceptable subject to the inclusion of appropriate conditions relating to the submission of an appropriate contaminated land site-specific risk assessment be undertaken and submitted for approval in writing by the Planning Authority to ensure the site is developed in accordance with PAN 33.

2.8.3 The application, subject to the inclusion of the conditions recommended by the LAQT, meets the provisions of national guidance and the Development Plan regarding contamination.

## 2.9 Access

2.9.1 Policies 1 and 13 of the Adopted Local Plan support proposals where they protect core paths, cycleways, bridleways, existing rights of way, established footpaths are also protected. Further detailed guidance in this regard is also contained within Making Fife's Places Supplementary Guidance

2.9.2 As detailed in the background section of the report, Core Path P468/07 runs in an east-west direction outwith the site boundary to the south. The proposed development would not involve any alteration to existing core path or have any detrimental impact on its use. The application therefore meets the requirements of the Development Plan in this regard.

## 2.10 Loss of Agricultural Land

2.10.1 Policies 1 and 7 of the Adopted Local Plan state that development on prime agricultural land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available or it is for small-scale development directly linked to a rural business or it is for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is a commitment to restore the land to its former status within an acceptable timescale.

2.10.2 The proposal would not result in the loss of prime agricultural land as the area of land within the application site is classed as Category 6.2 (Non-Prime Land suitable for Rough Grazing only). The proposal is therefore acceptable and complies with the Development Plan in this respect.

## 2.11 Low Carbon

2.11.1 The SPP notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets. To achieve this, planning authorities 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.

2.11.2 Policies 1 and 11 of the Adopted Local Plan states that planning permission will only be granted for new development where it has been demonstrated that:

- 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;
- Construction materials come from local or sustainable sources;
- Water conservation measures are in place;
- 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
- 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.

2.11.3 Fife Council's Low Carbon Fife Supplementary Guidance 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 sustainable building statement (Appendix B of the guidance).

2.11.4 The applicant has provided a detailed Low Carbon Checklist Statement (LCCS) which sets out how their aims and aspirations of the proposal from the outset has been to erect a sensitively designed dwellinghouse which adequately meets the low carbon/sustainability targets mentioned above. The LCCS advises that to reduce CO2 emission and improve energy efficiency, the proposed dwellinghouse has been considered as a whole, not just as a sum of its components. Renewable technologies such as solar pv's, an air source heat pump and the correct orientation of the dwellinghouse would ensure the proposed development would also minimise its impact on the environment. A significant amount of the external materials is also proposed to be sourced from the applicant's farm. Overall, the proposal has been developed from the outset to take advantage of solar gain. The application therefore complies with the Development Plan and supplementary guidance in this regard.

## CONSULTATIONS

Parks Development And Countryside - Rights    No response- however the proposed

Of Way/Access	development would not have any detrimental impact on the existing core path to the south of the site.
Trees, Planning Services	Has recommended the application for conditional approval.
Natural Heritage, Planning Services	Has no objection to planning permission being granted.
Land And Air Quality, Protective Services	Has recommended the application for conditional approval.
Transportation, Planning Services	Has recommended the application for conditional approval.

## REPRESENTATIONS

9 letters of objection have been received in relation to this application. The material considerations relating to these concerns have been addressed under sections 2.2 (Principle of Development) and 2.7 (Road Safety) of this report of handling.

In addition to the above, a total of 67 letters of support have also been received in relation to the proposed development. These matters have also been addressed within sections 2.2 (Principle of Development) and section 2.3 (Design/ Visual Impact on Local Landscape Area and setting of Listed Building) respectfully within the report of handling.

## CONCLUSIONS

The proposal is acceptable in meeting the terms of the Development Plan and National Guidance. The proposal involves the erection of a dwellinghouse within close proximity of the main farm buildings that is essential to support the existing rural business. In respect to the impact on its countryside setting and the existing Category C Listed Dunearn Cottage, the overall design represents a well-considered contemporary response to the development of the site. The contemporary, yet respectful design and massing of the proposed dwellinghouse, which also seeks to maximise passive solar gain, ensures that the development would sit comfortably and would undoubtedly enhance the landscape setting and would not have any detrimental impact on the setting of the adjacent listed building. The application would also not cause any detrimental impacts on the amenity of the surrounding area; would not have any detrimental impact on road safety and appropriate conditions have been included to ensure any potential contamination matters are adequately addressed on site.

## RECOMMENDATION

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

1. BEFORE ANY EXTERNAL FINISHES ARE APPLIED TO THE DWELLINGHOUSE HEREBY APPROVED, colours and samples of the external finishing materials shall be submitted for the

written approval of this Planning Authority. Thereafter, the approved details shall be implemented in full and maintained for the lifetime of the development.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.

2. BEFORE ANY WORKS START ON SITE, details of the proposed tree protection measures during construction of the development hereby approved shall be submitted for approval in writing by this Planning Authority. This Planning Authority shall be formally notified in writing of the completion of the agreed 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 the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during construction works.

3. PRIOR TO THE OCCUPATION OF THE DWELLINGHOUSE HEREBY APPROVED, visibility splays 3m x 60m shall be provided and maintained clear of all obstructions exceeding 1 metre in height above the adjoining road channel level, at the junction of both the eastern and western vehicular accesses to the site and the public road, in accordance with the current Fife Council Transportation Development Guidelines and as shown on Drawing No 900\_(P)\_005 Rev A (Fife Council Reference 19A). The visibility splays shall thereafter be retained for the lifetime of the development.

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

4. PRIOR TO THE OCCUPATION OF THE DWELLINGHOUSE HEREBY APPROVED, there shall be provided within the curtilage of the site 2 parking spaces for vehicles in accordance with current Fife Council Transportation Development Guidelines. The parking spaces shall thereafter be retained for the lifetime of the development.

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

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

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

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

6. THE DWELLINGHOUSE HEREBY APPROVED SHALL NOT BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 5. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement — or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site — all development work on site (save for site investigation work) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the local planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement — or any approved revised Remedial Action Statement — a Verification Report shall be submitted by the developer to the local planning authority.

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

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

7. IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the 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.

<b>STATUTORY POLICIES, GUIDANCE &amp; BACKGROUND PAPERS</b>
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In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Guidance

SPP - Scottish Planning Policy (2020)

Development Plan

SESplan (2013)

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

Fife Council's Transportation Development Guidelines

Other Guidance

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2017)

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

Fife Council's Minimum Distance between Windows Guidance

Fife Council's Planning Customer Guidelines on Trees and Development

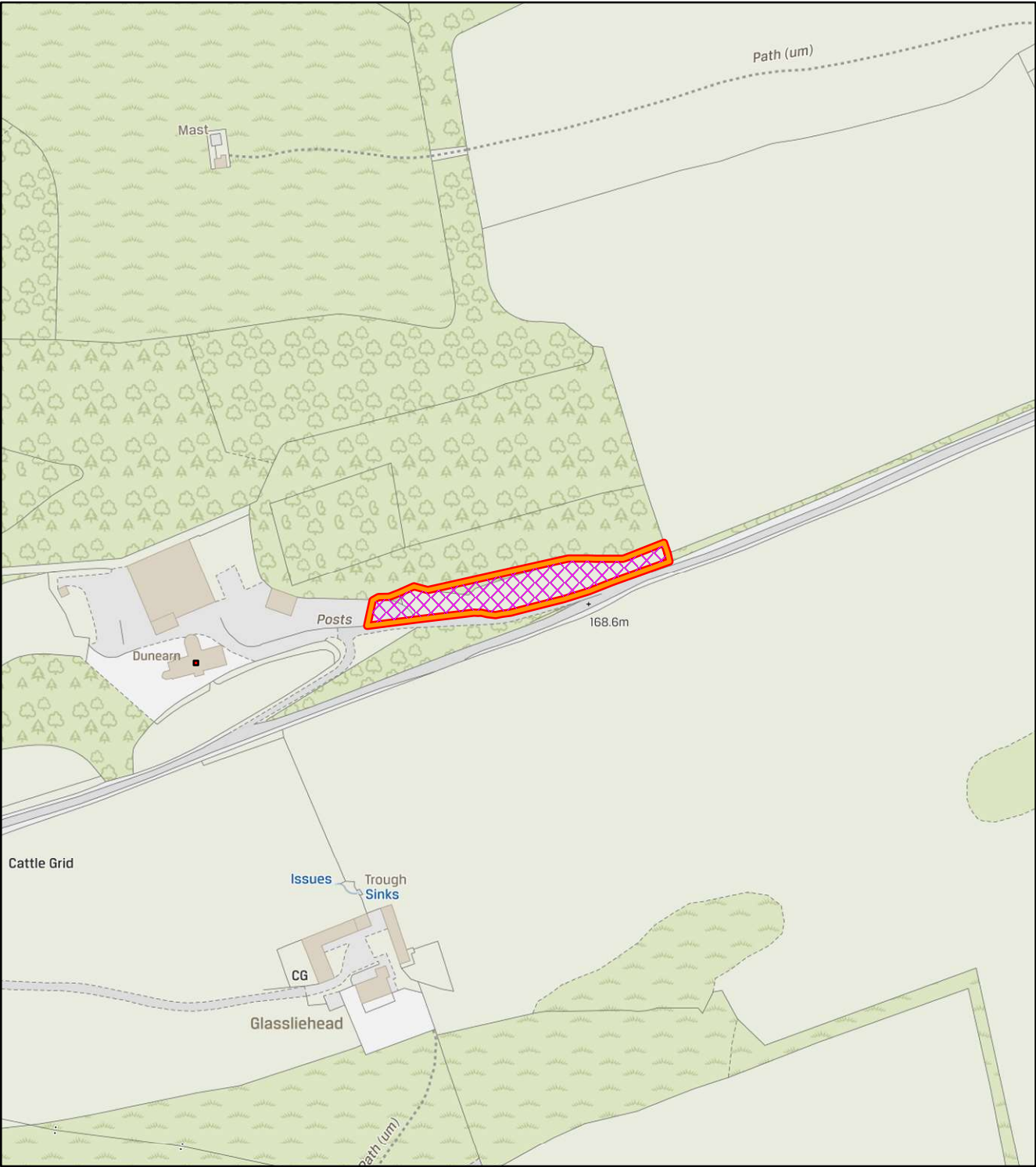
Report prepared by David Shankland, Case Officer and Chartered Planner

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 5.3.21.

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Dunearn Farm Dunearn Burntisland



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Legend



Application Boundary

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Economy, Planning & Employability Services