

West and Central Planning Committee

This meeting will be held remotely.

Wednesday, 15th March, 2023 - 2.00 p.m.



AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

3. MINUTE – Minute of the meeting of West and Central Planning Committee of 18th January, 2023. 5 - 6

4. 21/02406/FULL - THE WINDSOR HOTEL, 38 - 40 VICTORIA ROAD, KIRKCALDY 7 - 14

Change of use from open space to form beer garden including formation of canopy and erection of fence (retrospective).

5. 22/00376/FULL - 1 BURNBANK STABLES, EAST END MAIN STREET, STAR OF MARKINCH 15 - 29

Erection of workshop.

6. 22/01021/FULL - LAND TO SOUTH OF HILL VIEW KINGLASSIE 30 - 78

Residential development of 211 units, including 45 affordable units, with associated infrastructure including two vehicular access points, roads, landscaping, playpark and SUDS.

7. 22/02635/FULL - LAND TO NORTH OF KENT STREET, DUNFERMLINE 79 - 117

Erection of 59 houses, formation of new access, provision of open space, related infrastructure including SUDs basin, with related works.

8. 22/02717/FULL - LAND ADJACENT TO MAIN STREET CAR PARK AND SOUTH OF WEST ROAD, SALINE 118 - 139

Erection of 39 affordable housing units (15 family homes and 24 assisted living), 1 community hub with associated parking and infrastructure works.

9. 22/04288/FULL - CROMBIE POINT, FIFE 140 - 154

Planning permission in principle for erection of 2 dwellinghouses with associated garages and access.

10. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Lists of applications dealt with under delegated powers for the period 26th December, 2022 to 22nd January, 2023 and 23rd January to 19th February, 2023.

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

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

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

Fife House
North Street
Glenrothes
Fife, KY7 5LT

8 March, 2023

If telephoning, please ask for:
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Telephone: 03451 555555, ext. 442303; email: Emma.Whyte@fife.gov.uk

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BLENDED MEETING NOTICE

This is a formal meeting of the Committee and the required standards of behaviour and discussion are the same as in a face to face meeting. Unless otherwise agreed, Standing Orders will apply to the proceedings and the terms of the Councillors' Code of Conduct will apply in the normal way

For those members who have joined the meeting remotely, if they need to leave the meeting for any reason, they should use the Meeting Chat to advise of this. If a member loses their connection during the meeting, they should make every effort to rejoin the meeting but, if this is not possible, the Committee Officer will note their absence for the remainder of the meeting. If a member must leave the meeting due to a declaration of interest, they should remain out of the meeting until invited back in by the Committee Officer.

If a member wishes to ask a question, speak on any item or move a motion or amendment, they should indicate this by raising their hand at the appropriate time and will then be invited to speak. Those joining remotely should use the "Raise hand" function in Teams.

All decisions taken during this meeting, will be done so by means of a Roll Call vote.

Where items are for noting or where there has been no dissent or contrary view expressed during any debate, either verbally or by the member indicating they wish to speak, the Convener will assume the matter has been agreed.

There will be a short break in proceedings after approximately 90 minutes.

Members joining remotely are reminded to mute microphones and switch cameras off when not speaking. This includes during any scheduled breaks or adjournments.

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

18th January, 2023

2.00 p.m. – 2.45 p.m.

PRESENT: Councillors David Barratt (Convener), David Alexander, Lesley Backhouse, Alistair Bain, John Beare, James Calder, Dave Dempsey, Derek Glen, James Leslie, Julie MacDougall, Derek Noble, Gordon Pryde, Sam Steele and Andrew Verrecchia.

ATTENDING: Alastair Hamilton, Service Manager and Scott Simpson, Planner, Planning Services; Christopher Glendinning, Solicitor and Emma Whyte, Committee Officer, Legal and Democratic Services.

APOLOGY FOR ABSENCE: Councillor Colin Davidson.

65. DECLARATIONS OF INTEREST

No Declarations of Interest were submitted in terms of Standing Order No. 7.1.

66. MINUTE

The Committee considered the minute of the West and Central Planning Committee of 14th December, 2022.

Decision

The Committee agreed to approve the minute.

67. 22/02270/FULL - MILESMARK ROADS DEPOT, CARNOCK ROAD, DUNFERMLINE

The Committee considered a report relating to an application for a residential development of 65 dwellinghouses (Class 9) and 4 flatted dwellings with associated infrastructure and landscaping.

Members were advised that Condition 15 in the report had been amended as it no longer related to plots 10, 47 and 49.

Decision

The Committee agreed to approve the application subject to:-

- (1) the twenty-seven conditions and for the reasons detailed in the report; and
- (2) the addition of the following condition:-

Unless otherwise approved in writing by Fife Council as Planning Authority, the normal working hours for construction activities within the site shall be restricted/

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restricted to Monday to Friday between 8.00am to 6.00pm, 8.00am to 1.00pm on a Saturday and at no time on a Sunday or a Bank Holiday. No commercial vehicles associated with construction work shall enter or leave the site before 8.00am and after 6.00pm Monday to Friday; before 8.00am and after 1.00pm on a Saturday and at any time on a Sunday or a Bank Holiday. Outwith these hours, development at the site shall be limited to maintenance, emergency works, or construction work that is not audible from any noise sensitive property outwith the site.

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

Councillor Alexander joined the meeting during consideration of the above item.

68. 22/01895/OBL - FORMER TULLIS RUSSELL MILL, GLENROTHES

The Committee considered a report by the Head of Planning Services relating to an appeal submitted for the non-determination of application reference 22/01895/OBL.

The Committee were asked to note that under paragraph 2.1.1 of Fife Council's current List of Officer Powers, a view to refuse the application had been taken by the Executive Director, Enterprise and Environment in agreement with the Convener and Depute Convener of the Committee to enable a response from the Planning Authority to be lodged timeously.

Decision

The Committee agreed to note the report.

69. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Decision

The Committee noted the list of applications dealt with under delegated powers for the period 28th November to 25th December, 2022.

ITEM NO: 4

APPLICATION FOR FULL PLANNING PERMISSION REF: 21/02406/FULL

SITE ADDRESS: THE WINDSOR HOTEL 38 - 40 VICTORIA ROAD KIRKCALDY

PROPOSAL : CHANGE OF USE FROM OPEN SPACE TO FORM BEER GARDEN INCLUDING FORMATION OF CANOPY AND ERECTION OF FENCE (RETROSPECTIVE)

**APPLICANT: MR ASIF HUSSAIN
THE WINDSOR HOTEL VICTORIA ROAD KIRKCALDY**

**WARD NO: W5R12
Kirkcaldy East**

CASE OFFICER: Emma Baxter

DATE REGISTERED: 19/08/2021

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 representations have been received contrary to officer recommendation

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material

considerations indicate otherwise. The Scottish Parliament voted to approve National Planning Framework 4 on the 11th January 2023, with it being formally adopted on the 13th February,

2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to support the planning and delivery of sustainable places, liveable places, and productive places. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4 prior to the issuing of further guidance by Scottish Ministers.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context . The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

Having assessed the current application against the policy provisions of the Adopted NPF4 and those in the Adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.0 Background

1.1 Description

1.1.1. The application site is an existing hotel with a public bar situated to the north of Kirkcaldy Town Centre, fronting Victoria Road and on the corner with Roseberry Terrace running along the western boundary. The hotel building comprises two detached stone built buildings, which were originally dwellinghouses, linked by a single storey stone and timber built extension which extends along the front of the two buildings. The public bar aspect of the hotel is mainly contained within this extension. Car parking is located to the rear and to the front of the hotel with an existing vehicular access from Roseberry Terrace. The surrounding area is predominantly residential with domestic dwellings being the immediate neighbours surrounding all four boundaries of the Hotel.

1.2 The Proposal

1.2.1. This application seeks retrospective planning permission for change of use from open space to form beer garden including the formation of canopy and erection of fence. The development occurred in order to maintain social distancing between customers and to mitigate against the loss of income from the reduced indoor capacity as a result of COVID-19. The applicant previously applied for a temporary relaxation agreement for the change of use and erection of structure. This was agreed under the temporary relaxations to planning permissions as a result of COVID 19 (Planning Reference 20/01486/COVR). The applicant has advised that they wish to continue use of the structure for a temporary period of 5 years.

1.2.2. Typically, the use of an area within the curtilage of a hotel, public house etc. as a beer garden does not constitute a material change in use and therefore planning permission not

required. However, in this instance, given that the proposed structure would be fully enclosed and attached to the existing hotel and thereby allowing for a higher intensification of use throughout the year in comparison to a standard beer garden, it is considered that the proposed development would constitute the formation of an extension annexe to the existing building. The change of use of the remaining outdoor space would not constitute a material change in use of the land.

1.3 Planning history

1.3.1. Planning history for the site can be summarised as follows

- Planning permission was granted in 2008 (ref 07/02906/CFULL) for alteration and extension to hotel including formation of terrace and ramp.
- Planning permission was granted in 2010 (ref 09/01688/CFULL) for alterations to the frontage of the public house.
- Retrospective planning permission was granted in 2011 (11/02073/FULL) for the erection of screen fence and gate.
- Retrospective planning permission was granted August 2020 (ref 20/01486/COVR) for a beer garden to comply with Scottish Government Guidelines on COVID-19 lockdown easing measures in relation to bars.

1.4. A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application, and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. The following evidence was used to inform the assessment of this proposal

- Google imagery (including Google Street View and Google satellite imagery); and
- GIS mapping software; and
- Current site photographs provided by the agent.

2.0. Assessment

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

- Principle of Development
- Visual Impact
- Road Safety
- Residential Amenity

2.2. Principle of Development

2.2.1. National Planning Framework 4 (NPF4) promotes six overarching spatial principles to guide development, including a Just Transition to ensure that net zero is fair and inclusive and Conserving and Recycling Assets including buildings, places, infrastructure and services. Local Living is also encouraged, to improve community health and wellbeing through local liveability as well as Compact Urban Growth to optimise the use of land. Rebalanced Development is highlighted, to create opportunities in areas of decline and manage development sustainably in areas of high demand, in addition to Rural Revitalisation, as the need to grow urban and rural communities together is recognised.

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

2.2.3. As the proposal is situated within the settlement envelope of Kirkcaldy, there is a presumption in favour of development. Furthermore, the proposed external seating area would be associated with the existing hotel use of the site. As the proposed development would be an extension of the existing use, the principle of the proposed development would be considered acceptable and would comply with the adopted FIFEplan (2017).

2.3. Visual Impact

2.3.1. NPF 4 Policy 14 applies and states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policies 1 and 10 of the adopted FIFEplan (2017) states that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity.

2.3.2. Letters of objection for this proposal raised concern that the proposal would not be in keeping with surrounding area.

2.3.3. The structure subject to this retrospective application comprises of corrugated roofing sheet and timber panels which enclose and partially cover an area of approximately 95m². The structure is approximately 2.4 metres in height, running for 10.7 meters along the southern boundary along Victoria Road and 15.4 meters along the western boundary of Rosebery Terrace. Whilst the proposal is somewhat in keeping with the single storey extension to the front of the building (as approved under 07/02906/CFULL), it is considered that its finish is not to the same standard of quality and would not be an acceptable permanent structure. However, in light of the current economic climate and the struggles which are being faced by small businesses, in addition to the continued ramifications of COVID-19, it is considered that the granting of a temporary consent for a period of 5 years would be appropriate in this instance to allow the continued use of the structure which is currently in situ whilst giving the applicant the opportunity to consider a more permanent scheme which is of a more acceptable design and finish. Therefore, whilst the proposed development does not offer the most attractive solution and would not be considered an acceptable permanent structure, given that the structure would only be in situ for a period of five years and therefore any impact on the appearance of the

surrounding area would be temporary and reversible, on balance with the need to support the viability of existing businesses, the proposed development is considered acceptable in this regard.

2.3.4. In light of the above, subject to the proposal being approved for a temporary 5-year period, would not result in any significant detrimental impact in terms of visual amenity. The proposal is therefore considered to be consistent with the relevant policies of the Adopted FIFEPlan (2017) and NPF4 policy 14 regarding visual amenity.

2.4. Road Safety

2.4.1. Policy 13 of NPF4 states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and where appropriate they will be accessible by public transport. Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council's Transportation Development Guidelines apply in this respect. Policy 3 states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.4.2. Letters of representations received raised concerns with regard to the impact of the proposed development on road safety, specifically regarding visibility at the junction of Rosebery Terrace and Victoria Road.

2.4.3. The proposed development runs parallel to Rosebery Terrace and Victoria Road. Fife Council's Transportation Development Management officers were consulted on this application and concluded that the fencing does not detrimentally impact on the visibility splay at the junction of Rosebery Terrace/Victoria Road and therefore raised no objections.

2.4.4. In light of the above, it is considered that the proposal is acceptable in terms of Road Safety and compliant with the relevant policies in the adopted FIFEplan 2017 and adopted NPF4 in this respect.

2.5. Residential Amenity

2.5.1. Policies 1 and 10 of the adopted FIFEplan (2017) 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. PAN1/2011 sets out how noise issues generally should be handled when considering any application for planning permission. Fife Council Planning Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distance Between Window Openings also apply in this instance.

2.5.2. Letters of representation received for this application have objected to the proposal due to concerns regarding noise levels and anti-social behaviour resulting from the development.

2.5.3. As discussed in paragraph 1.2.2. above, a licensed premises is permitted to operate a beer garden within its outdoor space, without the need for planning permission. Fife Council's Licensing Team have confirmed that the applicant has a license which serves the curtilage of the building as well as inside the building. As such, the use of the land itself as a beer garden does not require planning permission. However, in this instance, given that the proposed structure would be fully enclosed and attached to the existing hotel, it is considered that the proposed development would constitute the formation of an extension annexe to the existing building which requires planning permission. It is considered however that the intensification in use of the land as a result of the proposed development would not result in a significant detrimental impact on the amenity levels of neighbouring properties with regard to noise levels. Furthermore, Fife Council's Public Protection team were consulted on the application and raised no objections. However, if complaints are received by the Licensing Board or the Environmental Health (Public Protection) Team, they are duty bound to investigate and take any necessary action.

2.5.4. Given the existing permitted development rights relating to the use of the outdoor space as a beer garden and there being no objection from the Public Protection team, it is considered that, there is no detrimental impact on the residential amenity of the existing surrounding properties. The proposal complies with the relevant adopted FIFEplan and NPF4 policies regarding residential amenity.

CONSULTATIONS

Environmental Health (Public Protection)	No objections
Scottish Water	Has no objection to the proposed development.
TDM, Planning Services	Has no objection to planning permission being granted from a road safety perspective.

REPRESENTATIONS

11 letters of objection, 27 letters of support and 2 general comments have been made for this application. Letters of objection and general comments have raised a number of concerns which can be summarised as follows

- Residential amenity: Objections have been made to the proposal due to issues surrounding noise, anti-social behaviour and littering within the curtilage of the building and the nearby streets - This has been addressed in paragraph 2.5.3. above.
- Road safety: Concerns regarding visibility at the junction of Rosebery Terrace and Victoria Road - This has been discussed in paragraph 2.4.2. above.
- Visual amenity: The proposal would not be in keeping with surrounding area - This has been discussed in paragraph 2.2.3. above.

CONCLUSIONS

This proposal is considered to be acceptable in meeting the relevant policies set out in the Adopted NPF4 and FIFEplan 2017, and other relevant national policy/guidance and Fife Council Customer Planning Guidance. No significant impacts would arise in regard to existing levels of residential amenity, visual amenity or road safety. The application is therefore recommended for conditional approval.

RECOMMENDATION

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

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

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

2. FOR THE AVOIDANCE OF DOUBT, the temporary structure hereby approved shall be removed from the site and the site reinstated to its original condition no later than 5 years from the date of this consent.

Reason: In order to define the terms of this consent; the proposal is only acceptable on the basis of a temporary consent.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

Development Plan.

National Planning Framework 4 - Adopted (February 2023)
Adopted FIFEplan (2017)

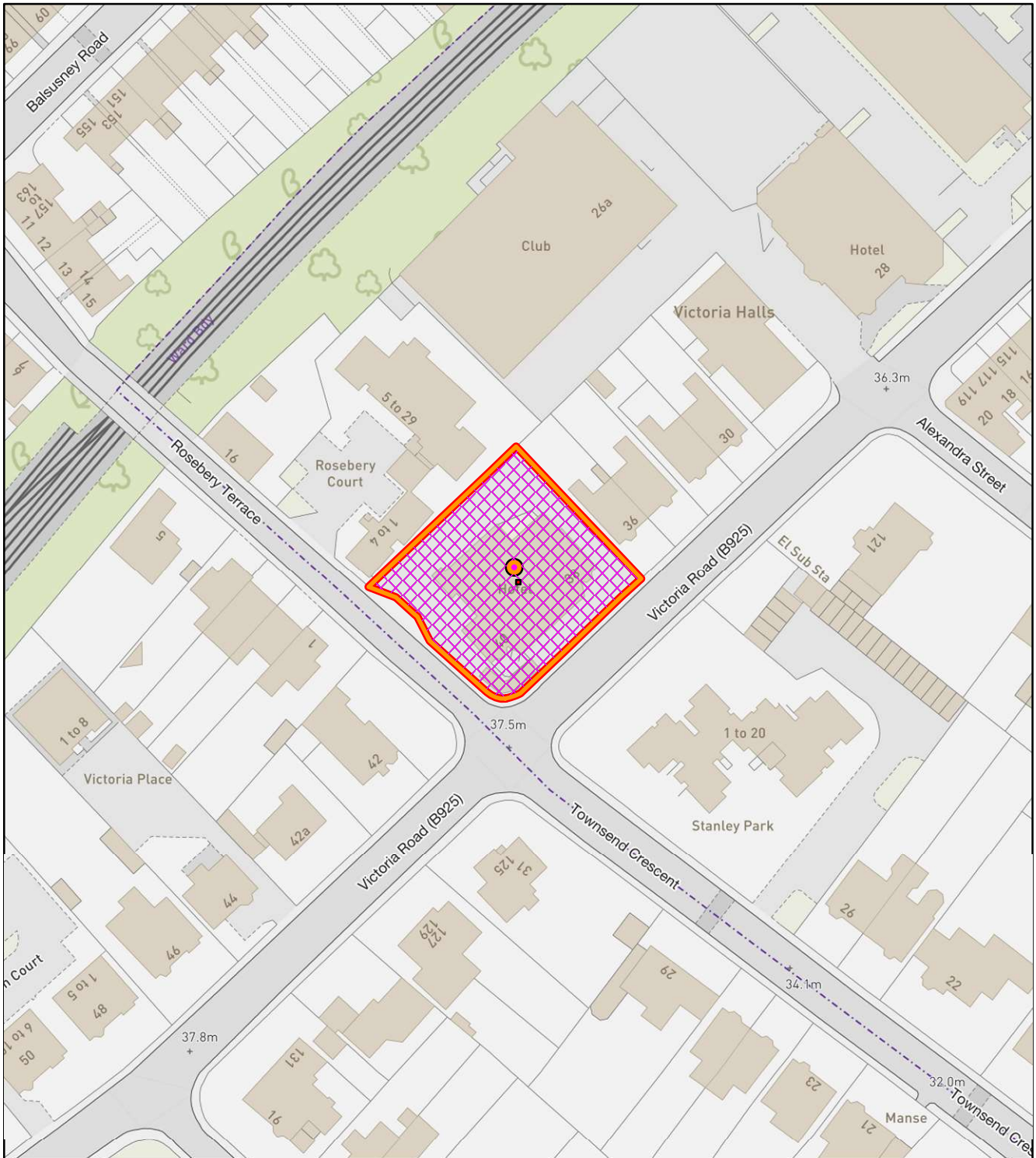
Making Fife's Places Transportation Development Guidelines (2018)

Report prepared by Emma Baxter, Graduate Planner and Case Officer
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 6/3/23.

Date Printed 13/01/2023

21/02406/FULL

The Windsor Hotel 38 - 40 Victoria Road Kirkcaldy KY1 1DR



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Legend			
	Application Boundary		

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ITEM NO: 5

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00376/FULL

SITE ADDRESS: 1 BURNBANK STABLES EAST END MAIN STREET

PROPOSAL : ERECTION OF WORKSHOP

**APPLICANT: MRS LISA KERR
BURNBANK LIVERY STABLES EAST END STAR OF
MARKINCH**

**WARD NO: W5R14
Glenrothes North, Leslie And Markinch**

CASE OFFICER: Lauren McNeil

DATE REGISTERED: 01/11/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

Six representations were received which are contrary to the officer's recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

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

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Scottish Parliament voted to approve National Planning Framework 4 (NPF4) on the 11th January 2023, with it being formally adopted on the 13th February 2023. NPF4 is now part of the

statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to support the planning and delivery of sustainable places, liveable places, and productive places. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4 prior to the issuing of further guidance by Scottish Ministers.

The policy context of NPF4 is set at a high level to provide a directive but indicative policy context. The Adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

Having assessed the current application against the policy provisions of the Adopted NPF4 and those in the Adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.0 Background

1.1 This application relates to an area of land situated within a countryside location, as defined within the Adopted FIFEplan (2017). The development site measures approximately 473m² and is situated along the eastern end of the settlement of Star. The development site is situated adjacent to but outwith the Star settlement boundary. The land in which this application relates to is associated with an existing rural business (commercial horse livery). The land to the north, east and west of the development site are also in the applicant's ownership and are generally characterised by flat grazing land and stables to the south-east. A temporary caravan is also currently present on site. The land uses to the south are predominantly residential in nature and are separated from the development site by the public road Main Street. The residential properties to the south are and are generally modest in scale ranging from single storey to 1.5 storey in height. There is also a 1.5 storey residential dwellinghouse situated approximately 105m west of the development site.

1.2 This application seeks full planning permission for the erection of a workshop.

1.3 The proposed workshop would occupy a footprint of approximately 175m² and would have a maximum finished height of 6.5m. The proposed workshop would be finished externally with wet dash render, stone basecourse, concrete roof tiles, and UPVC windows and doors. The proposed workshop would comprise of a double garage, tack room, workshop/equipment store, training rooms, WC and customer lounge/viewing area.

1.4 The relevant planning history can be summarised as follows;

13/01000/FULL;

Description: Extension to existing stables to form additional stables and ancillary storage

Decision: Application Refused (06/09/2013),

Appeal Decision: Appeal Sustained (25/11/2013)

16/03024/FULL;

Description: Change of Use to Commercial Livery Stables, Temporary Residential Use of Existing Caravan and Formation of Car Park Burnbank Livery Stables

Decision: Application Refused (21/03/2017)
Appeal Decision: Appeal Sustained (05/07/2017)

19/01564/FULL;

Description: Change of Use to Commercial Livery Stables, Temporary Residential Use of Existing Caravan and Formation of Car Park Burnbank Livery Stables (Section 42 to vary condition 6 of planning permission 16/03024/FULL to extend the residential use of the caravan for 1 year)

Decision: Application Permitted with Conditions (28/10/2019)

20/00955/FULL;

Description: Erection of dwellinghouse and workshop with associated works

Decision: Application Refused (23/10/2020)

Appeal Decision: Appeal Dismissed (26/02/2021)

21/01808/FULL;

Description: Erection of Dwellinghouse (1A Burnbank Stables)

Decision: Application Permitted with Conditions (25.11.2021)

21/00032/ENF;

Description: Possible unauthorised erection of fence

Status: Pending Consideration

1.5 A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application. The following evidence was used to inform the assessment of this proposal.

- Google imagery (including Google Street View and Google Satellite imagery),
- GIS mapping software, and
- Site photographs on file from the previous 20/00955/FULL and 21/01808/FULL applications and the ongoing 21/00032/ENF case.

Therefore, it is considered the information available to the case officer is sufficient to determine the proposal.

2.0 Assessment

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

- a) Principle of Development
- b) Design and Visual Impact
- c) Residential Amenity
- e) Road Safety
- f) Land Contamination/Stability
- g) Flooding and Drainage
- h) Low Carbon
- g) Natural Environment

2.2 Principle of Development

2.2.1 Policy 29 of NPF4 states development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported. 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 1 Part B of FIFEplan states development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant including in the case of proposals in the countryside or green belt, be a use appropriate for these locations. Policy 7 of FIFEplan (Development in the Countryside) states development in the countryside will only be supported where it:

1. is required for agricultural, horticultural, woodland, or forestry operations;
2. will diversify or add to the above land-based businesses to bring economic support to the existing business;
3. is for the extension of established businesses;
4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements;
5. is for facilities for access to the countryside;
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)

2.2.2 This application has attracted both support and objection comments relating to the principle of development. Objection comments received raised concerns related to the lack of justification provided to demonstrate the need for the proposed building to support the existing business and the lack of information provided to demonstrate the viability of the existing business. Support comments received detailed that the principle of the development has previously been accepted and the previous application was only refused with regard to siting and design. Moreover, support comments received consider the proposal would form an improvement to an established rural business within Star.

2.2.3 As detailed above, the development site is situated adjacent to but outwith the Star settlement boundary therefore the proposal would be situated within a countryside location as defined within the Adopted FIFEplan (2017). Regarding the viability of the business, business accounts were submitted to the previous 20/00955/FULL and 21/01808/FULL applications which concluded that in the course of examining the accounting records there is nothing that has come to our attention that questions the solvency or viability of the business. Moreover, as detailed within the report of handling for the previous 21/01808/FULL application, the principle and viability of the business has already been accepted through applications 19/01564/FULL and 20/00955/FULL. As such, it is considered the viability of the existing business has already been established. The principle of the development was also already accepted within the previous 20/00955/FULL application however this application was ultimately refused at committee due to the siting and design of the proposal and its impact on the character of the countryside. The reporter of the subsequent appeal decision (PPA-250-2346) also agreed that the principle of the development would be acceptable; 'I find that the general principle of the commercial workshop element of the proposal is supported by LDP Policy 7 because the livery is an existing business'. However, this appeal was dismissed with regard to the siting and design of the development; 'Whilst the proposal finds some support from LDP policies, in particular with regard to the overarching principle of development, I find that the siting and design of the development as proposed would be contrary to LDP Policies 7, 8, 10 and 13.'

2.2.4 In light of the above, given the proposal would constitute an extension to an established rural business which would in turn contribute to the viability of the local rural economy and the principle of the development has previously been accepted, it is therefore considered the proposal would comply with Policies 1 and 7 of the Adopted FIFEplan (2017) and Policy 29 of the Adopted NPF4. As such, the principle of the development would be acceptable however the overall acceptability of the proposal must however meet other policy criteria which are considered in detail below.

2.3 Design and Visual Impact

2.3.1 Policy 14 of NPF 4 states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 29 of NPF4 states development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location. Policies 1 (Development Principles), 7 (Development in the Countryside), 10 (Amenity) and 13 (Natural Environment and Access) of the Adopted FIFEplan (2017) also apply in this respect. Policy 1 Part B of FIFEplan states development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant including safeguard the character and qualities of the landscape. Policy 7 of FIFEplan states in all cases, development must:

- be of a scale and nature compatible with surrounding uses;
- be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and
- be located and designed to protect the overall landscape and environmental quality of the area.

Policy 10 of FIFEplan states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the visual impact of the development on the surrounding area. Policy 13 of FIFEplan states development proposals will only be supported where they protect or enhance natural heritage and access assets including landscape character and views. Making Fife's Places Supplementary Guidance (2018) also applies and sets out the expectation for developments with regard to design.

2.3.2 This application has attracted both support and objection comments relating to the design and visual impact of the proposal. Support comments received consider the proposal will blend in with the approved dwellinghouse and other surrounding buildings, will be of a smaller scale than previously proposed and will be appropriately screened. Objections received raised concerns relating to the design, size, materials, and position of the proposed workshop, the overdevelopment of the site and its impact on the visual amenity of the surrounding area.

2.3.3 The primary use of the proposed workshop is to provide facilities to support the existing commercial livery business therefore the proposal would constitute an extension to an established rural business. As such, it is considered the proposal would be compatible with its surrounds in simple land use terms. The proposed workshop would be appropriately sited in relation to the existing and proposed buildings and given the full extent of the land within the applicant ownership, the ratio of buildings to land would be considered appropriate and would

not constitute overdevelopment. The proposed workshop would be viewed in context of the previously approved dwellinghouse (planning reference: 21/01808/FULL) and would be of a similar height, design, and finish. Furthermore, the proposed workshop would be set back an additional 12m from the public road than the previously approved dwellinghouse. In comparison to the previously refused scheme (planning reference: 20/00955/FULL), the current proposal would involve a 0.6m reduction in the height of the proposed workshop and a reduction in the overall scale of the proposed workshop from two storeys to single storey which would be in keeping with the scale of the surrounding neighbouring residential properties. While the proposed scheme would also involve an increase in the overall footprint of the proposed workshop (approximately 75m²), given the footprint of the proposed workshop would remain smaller than that of the previously approved dwellinghouse and the existing stable building, it is therefore considered the scale and massing of the proposed workshop would be appropriate within the context of its surrounds. Moreover, from the western approach the proposed workshop would be partially screened via the previously approved dwellinghouse and from the eastern approach the proposed workshop would be appropriately screened via the existing hedging/fencing to the south-east of the development site. The orientation of the proposed workshop would also reduce the visual impact of the proposal looking north. For clarification purposes, the existing fencing to the west of the existing vehicular access is subject to an ongoing enforcement case and therefore would not form part of this assessment.

2.3.4 In light of the above, the proposal would be considered acceptable by virtue of its design, scale, massing, and finish and would not have a significant detrimental impact on the character of the countryside or the visual amenity of the surrounding area. As such, the proposal would be in compliance with Policies 1, 7, 10 and 13 of the Adopted FIFEplan (2017) and would be consistent with the relevant policies of the Adopted NPF4.

2.4 Residential Amenity

2.4.1 Policies 1 and 10 of the Adopted FIFEplan (2017) and Fife Council's Planning Customer Guidelines on Daylight and Sunlight, and on Minimum Distances Between Window Openings apply in this respect. Policy 1 Part B of FIFEplan states development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant including protect sport and recreation facilities and the amenity of the local community and businesses. Policy 10 of FIFEplan states development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Policy 10 also states 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, including shadow flicker from wind turbines and the loss of privacy, sunlight, and daylight.

2.4.2 This application has attracted both support and objection comments relating to residential amenity. Support comments received consider that the proposal will have no impact on residential amenity. Conversely, objections comments received raised concerns for the hours of operation of the proposed development and its impact on residential amenity.

2.4.3 As previously detailed, the proposal would constitute an extension to the established commercial livery business therefore the proposal would be compatible with its surrounds in simple land use terms. The facilities proposed would be subsidiary to the existing commercial livery business and given the nature of the facilities proposed it is considered the proposal would not generate significant additional noise. Fife Council's Environmental Health (Public Protection) Team were also consulted and advised they have no comments or objections to make on the

proposal. As such, it is not considered necessary to restrict the hours of operation of the proposed workshop.

2.4.4 There are no neighbouring residential properties situated immediately adjacent to the development site other than the previously approved dwellinghouse which would also be in the applicant's ownership, therefore any loss of daylight/sunlight to the neighbouring dwellinghouse would be at the applicant's own risk.

2.4.5 Moreover, there are no new window openings proposed on the south-west elevation of the proposed workshop and the neighbouring residential properties opposite would be situated more than 18 metres from the proposed workshop. As such, the proposal would not introduce any significant additional overlooking/privacy concerns.

2.4.6 In light of the above, the proposal would be compatible with its surrounds in terms of land use, would not introduce any significant additional noise concerns and would be acceptable in terms of loss of daylight/sunlight and loss of privacy. As such, the proposal would be in compliance with Policies 1 and 10 of the Adopted FIFEplan (2017) in regard to residential amenity.

2.5 Road Safety

2.5.1 Policy 13 of NPF 4 states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- Will be accessible by public transport, ideally supporting the use of existing services;
- Integrate transport modes;
- Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- Adequately mitigate any impact on local public access routes

Policies 1, 3 (Infrastructure and Services) and 10 of the Adopted FIFEplan (2017) and Fife Council's Transportation Development Guidelines apply in this respect. Policy 1 Part C of FIFEplan states development proposals must be supported by information or assessments to demonstrate that they will comply with the following relevant criteria and supporting policies, where relevant including provide 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 states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in

Making Fife's Places Supplementary Guidance. Policy 10 of FIFEplan states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.5.2 This application has attracted both support and objection comments relating to road safety. Support comments received detail that as regular visitors to the site, representatives have experienced no parking/road safety issues. Also, support comments received highlighted that it was accepted that there are no road safety concerns associated with the previous applications/appeals. Objection comments received raised concerns regarding access, visibility, traffic movements, construction impacts, compliance with previous conditions and general road safety.

2.5.3 A condition was attached to the previous consent (21/01808/FULL) which imposed the requirement for two off-street parking spaces to be provided within the site to serve the residential dwellinghouse as well as the 15 parking spaces to serve the existing livery business as per the 16/03024/FULL consent.

2.5.4 Fife Council's Transportation Development Management Team (TDM) were consulted and advised the submitted site plan shows sufficient off-street parking to cover the whole of the development and complies with the conditions of the previously approved planning applications. However, TDM highlighted that the parking spaces shown within the proposed garage would be inaccessible due to the location of the parking spaces to the west of the development site. Nevertheless, TDM raised no objections to the proposal subject to the imposition of the recommended conditions relating to the provision of adequate visibility splays at the junctions of the vehicular access and the public road and the provision of adequate off-street parking. These conditions outline that the two off-street parking spaces shown within the proposed garage are redundant due to the parking layout shown.

2.5.5 The development site would utilise an existing access onto an adopted road (Main Street) and the supporting statement submitted details that there will be no increase in traffic generation as the proposal seeks to improve existing facilities as opposed to expanding business operations. The development site is situated less than 50m from the nearest bus stop therefore the site would be accessible via public transport. A revised site plan was also submitted in response to TDM's comments which demonstrates the provision of 15 off-street parking spaces and 1 disabled parking space to serve the existing livery business and two off-street parking spaces to serve the previously approved dwellinghouse. The revised parking layout also allows for vehicular access into the proposed garage. However, given the internal dimensions of the proposed garage would not meet Fife Council's Parking Standards the two parking spaces within the proposed garage would not form part of the overall parking provision and the proposed garage would be classed as for storage purposes only. As such, whilst the revised site plan submitted demonstrates the provision of sufficient off-street parking and would comply with the conditions of the previously approved planning applications, conditions shall be imposed as recommended by TDM which clarify that the parking within the proposed garage would not form part of the overall parking provision.

2.5.6 In light of the above, the proposal, subject to conditions would be acceptable in terms of road safety. As such, the proposal would be in compliance with Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and its associated guidance and Policy 13 of the Adopted NPF 4.

2.6 Land Contamination/Stability

2.6.1 Planning Advice Note 33: Development of contaminated land and Policies 1 and 10 of the Adopted FIFEplan (2017) apply in this respect. Policy 10 of FIFEplan states development proposals must demonstrate that they will not lead to 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.

2.6.2 The application site falls within a Coal Authority Development High Risk Area, as such a Coal Mining Risk Assessment (CMRA) was submitted which was prepared by Earth Environmental & Geotechnical Ltd. The Coal Mining Risk Assessment submitted recommended that further intrusive investigations be undertaken to access potential mining hazards, including an assessment of hazardous mine gases.

2.6.3 The Coal Authority were consulted on the proposal and raised no objections to the proposed development subject to the imposition of the recommended conditions relating to further intrusive site investigations and remediation works being undertaken prior to the commencement of development and the provision of a signed statement or declaration by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development. Fife Council's Land and Air Quality Team were also consulted on the proposal and recommended suspensive gas mitigation conditions be imposed where a mine/soil gas risk is identified.

2.6.4 In light of the above, the proposal subject to conditions would be acceptable in terms of land contamination/stability and would be in compliance with Policies 1 and 10 of the Adopted FIFEplan (2017) and other relevant guidance.

2.7 Flooding and Drainage

2.7.1 Policy 22 of NPF4 states that development proposals will not increase the risk of surface water flooding to others, or itself be at risk. Furthermore, developments should manage all rain and surface water through sustainable urban drainage systems and proposals should assumed no surface water connection to the combined sewer. Policies 1, 3 and 12 (Flooding and the Water Environment) of the Adopted FIFEplan (2017) and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements also apply in this respect. Policy 1 Part B of FIFEplan states development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant including avoid flooding and impacts on the water environment. Policy 3 of FIFEplan states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Policy 12 of FIFEplan states development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere.

2.7.2 This application has attracted both support and objection comments relating to flooding and drainage. Support comments received highlighted that matters relating to surface water flooding were accepted within the previous applications. However, objections received raised concerns regarding foul water drainage.

2.7.3 Scottish Environment Protection Agency (SEPA) flood maps have been analysed and show that the development site is not located within an area of known river, coastal or surface water flood risk. A drainage layout plan, detailed calculations and relevant appendices have been submitted to support the application in line with Fife Council's flooding and surface water management guidelines.

2.7.4 Fife Council's Structural Services, Flooding, Shoreline & Harbours Team were consulted on the proposal and advised they have no objections relating to flooding or surface water management.

2.7.5 Scottish Water were also consulted and raised no objections to the proposal advising that there is currently sufficient capacity to service the development. However, please note should the proposal seek to connect to the public sewer and/or water supply network this would be subject to a separate formal application process, and it would be the applicant's responsibility to obtain the relevant permissions from Scottish Water.

2.7.6 In light of the above, the proposal would be acceptable in this respect and would be in compliance with Policies 1, 3 and 12 of the Adopted FIFEplan (2017) and Policy 22 of the Adopted NPF4.

2.8 Low Carbon

2.8.1 Policy 1 of NPF4 states when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2 of NPF 4 states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change. Policies 1 and 11 (Low Carbon Fife) of the Adopted FIFEplan (2017) and Fife Council's Low Carbon Fife Supplementary Guidance (2019) apply in this respect. Policy 1 Part C of FIFEplan states development proposals must be supported by information or assessments to demonstrate that they will comply with the following relevant criteria and supporting policies, where relevant including provide measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland; provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site or flood assessments; provide for energy conservation and generation in the layout and design; and 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. Policy 11 states 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.

2.8.2 A low carbon statement was submitted detailing that the proposal would be well insulated with energy efficient materials, would utilise double glazing to minimise heat loss, would be orientated facing south to maximise solar gain and reduce consumption of energy for heating, would connect to the existing surface water management system, would include facilities for the collection of waste and would be well located in relation to existing public transport routes. As per the plans submitted, solar panels are also proposed on the south-east elevation of the proposed workshop.

2.8.3 In light of the above, the proposal would be acceptable in this respect and would be in compliance with Policies 1 and 11 of the Adopted FIFEplan (2017) and the relevant policies of the Adopted NPF4.

2.9 Natural Environment

2.9.1 Policy 3 of NPF4 states proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Policy 13 of the Adopted FIFEplan (2017) states development proposals will only be supported where they protect or enhance natural heritage and access assets including biodiversity in the wider environment.

2.9.2 There are no such natural heritage designations associated with the site and at present the development site comprises of an area of grazing land associated with the existing livery stables, therefore it is considered the development site would be of low natural heritage/biodiversity value. As such, the proposal would not have a significant detrimental impact on biodiversity nor the wider natural environment.

2.9.3 In light of the above, the proposal would be acceptable in terms of its impact on the natural environment and would be in compliance with Policy 13 of the Adopted FIFEplan (2017) and Policy 3 of the Adopted NPF4.

CONSULTATIONS

Environmental Health (Public Protection)	No comments or objections
TDM, Planning Services	No objections subject to conditions
The Coal Authority	No objections subject to conditions
Land And Air Quality, Protective Services	Suspensive gas mitigation conditions recommended
Transportation And Environmental Services - Operations Team	No response
Structural Services - Flooding, Shoreline And Harbours	No objections
Scottish Water	No objections

REPRESENTATIONS

12 letters of support and 6 letters of objection were received. Comments/concerns raised were in relation to:

- the principle of the development (addressed within section 2.2),
- the design and visual impact of the proposal (addressed within section 2.3),
- residential amenity (addressed within section 2.4),
- road safety (addressed within section 2.5), and
- flooding and drainage (addressed within section 2.7).

Comments/concerns raised relating to land ownership and any of the previous enforcement cases on site would not form a material planning consideration in the assessment of this application and as such have not been included.

CONCLUSIONS

The proposal, subject to conditions would be considered acceptable and would be in compliance with the relevant policies of the Adopted NPF4, and Policies 1, 3, 7, 10, 11, 12, and 13 of the Adopted FIFEplan (2017) and all other relevant guidance.

RECOMMENDATION

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

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

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

2. No development shall commence on site until a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity. This shall be submitted to Fife Council as Planning Authority for approval. Once approved, any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented on site in full in order to ensure that the site is made safe and stable for the development hereby approved. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interest of land stability; to ensure the site is safe and stable from historic coal mining activity.

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

Reason: In the interest of land stability; to ensure the site is safe and stable from historic coal mining activity.

4. Where a soil/mine gas risk is identified at the site Development Shall Not Commence until a gas mitigation (membrane) specification/foundation design, and a verification methodology (detailing proposed installation, testing and verification methods) have been submitted to the Local Planning Authority and Building Standards and Safety for comment and approval.

Reason: To ensure the proposed gas mitigation design and verification methodology is suitable.

5. Prior to occupation, mitigation shall be carried out and completed in accordance with the agreed gas mitigation design and verification methodology (including; installation of gas membrane, testing and collation of verification information) of approved pursuant to condition 4.

Reason: To ensure gas mitigation works are carried out to the agreed protocol.

6. Prior to occupation- Following installation and testing of the approved gas mitigation system a verification report (containing all verification elements) shall be submitted to the Local Planning Authority and Building Standards and Safety for comment and approval.

The proposed workshop shall not be brought into use until such time as the mitigation measures for the approved site have been completed in accordance with the approved gas mitigation design and verification report in respect of those mitigation measures has been submitted and approved in writing by the Local Planning Authority.

Reason: To provide verification that the approved gas mitigation has been installed, tested and validated to the appropriate standard.

7. Prior to the first use of the proposed facility, off street parking shall be provided as shown on Drawing No. 19158_PL(90)01 in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018). The parking spaces shall be retained throughout the lifetime of the development. For the avoidance of doubt, the two off street parking spaces shown within the garage would not form part of the overall off street parking provision as the internal dimensions do not meet Fife Council's Parking Standards and as such the garage would be classed as for storage purposes only.

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

8. Prior to any works starting on site, visibility splays of 2.4m x 25m shall be provided to the East and to the West at the junction of the vehicular crossing and the public road and thereafter maintained in perpetuity, clear of all obstructions exceeding 1.05 metres above the adjoining carriageway level, in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018). For the avoidance of any doubt, the shrubs to the East of the vehicular access to the site shall require to be maintained at a height of no more than 1.05m above the adjacent carriageway level to accommodate the visibility splay in this direction.

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

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

Planning Advice Note 33: Development of contaminated land

Development Plan

National Planning Framework 4 – Adopted (February 2023)

The Adopted FIFEplan Local Development Plan (2017)

Other Guidance

Making Fife's Places Supplementary Guidance (2018)

Fife Council's Planning Customer Guidelines on Daylight and Sunlight

Fife Council's Planning Customer Guidelines on Minimum Distances Between Window Openings

Fife Council's Transportation Development Guidelines

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements

Fife Council's Low Carbon Fife Supplementary Guidance (2019)

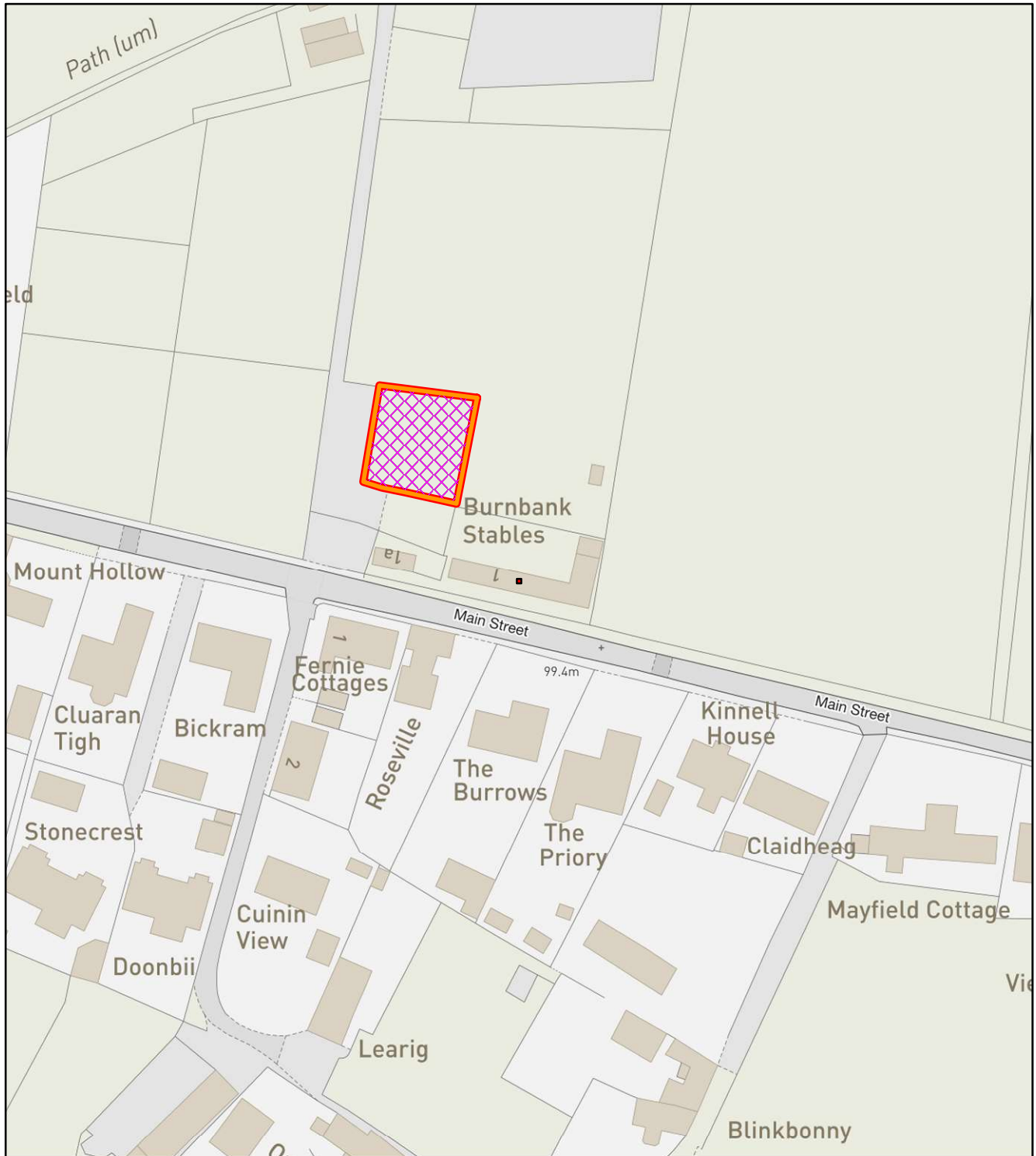
Report prepared by Lauren McNeil, Case officer

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 6.3.23

Date Printed 18/01/2023

22/00376/FULL

1 Burnbank Stables East End Main Street Star Glenrothes KY7 6LQ



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Legend			
	Application Boundary		

ITEM NO: 6

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01021/FULL

SITE ADDRESS: LAND TO SOUTH OF HILL VIEW KINGLASSIE

PROPOSAL : RESIDENTIAL DEVELOPMENT OF 211 UNITS, INCLUDING 45 AFFORDABLE UNITS, WITH ASSOCIATED INFRASTRUCTURE INCLUDING TWO VEHICULAR ACCESS POINTS, ROADS, LANDSCAPING, PLAYPARK AND SUDS

**APPLICANT: QUALE HOMES LTD
PINE LODGE LADYBANK CUPAR**

**WARD NO: W5R13
Glenrothes West And Kinglassie**

CASE OFFICER: Bryan Reid

DATE REGISTERED: 05/04/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The application is a Major application in terms of the 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.

The Scottish Government voted to approve National Planning Framework 4 on January 11, 2023, with it being formally adopted on February 13, 2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places. The Chief Planner issued a formal letter on February 8, 2023, which provides further guidance on the interim arrangements relating to the application and interpretation of NPF4 prior to the issuing of further guidance by Scottish Ministers. This letter advises that local development plans which are already adopted will continue to be part of the development plan and that for avoidance of doubt, existing LDP land allocations will be maintained.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date through Local Development Plans and further guidance and advice. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most detailed expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

1.0 BACKGROUND

1.1 The application site is an approximately 7ha greenfield site which is currently used for agricultural purposes and bounded by hedgerows to the north and east. The site is located at the eastern edge of the settlement of Kinglassie, however it forms part of the defined settlement envelop (FIFEplan, 2017). The site is allocated in FIFEplan (2017) as KLS001 for residential development; with an estimated capacity of 211 units; the site also forms part of the Ore/Upper Leven Valley Strategic Development Area. The site features a gentle slope from north to south. The application site is contained by the B921 and B922 public roads to the north and east respectively, with the remainder of the agricultural field to the south (separated by a narrow ditch) with the Lochty Burn beyond. The western site boundary is screened by a narrow strip of woodland, with residential properties immediately west of the woodland. Adjacent to the north-west boundary of the site is Hill View (residential street). Small parts of the site are identified as being at risk from surface water flooding; this flood risk does not extend to any existing residential properties surrounding the site. There are no natural heritage designations covering the site, nor are there any within the vicinity of the site. The majority of the site is identified by the Coal Authority as a Development High Risk Area due to past mining activity. A pole mounted electricity cable is located along the northern boundary of the site. The site is not identified as Prime Agricultural Land.

1.2 The application is for full planning permission for a proposed residential development of 211 units, including 45 affordable units, with associated infrastructure including two vehicular access points, roads, landscaping, playpark and SuDS. The development would consist of 2, 3 and 4 bedroom terraced, semi-detached and detached one and two storey houses, as well as two and three storey flatted blocks. The proposed market units would comprise 85 detached, 38 semi-detached, 31 terraced and 12 flatted units. The proposed affordable units would comprise 2 detached, 10 semi-detached, 15 terraced and 18 flatted units. Nine of the proposed dwellinghouses would take vehicular access directly from the B921, with the remaining units served by the proposed internal roads. A play park and detention basin are proposed within the south eastern corner of the site. A pedestrian link through the woodland to Lochty Park to the west of the site is proposed. As part of the development, the applicant is seeking to increase the

width of the B922 for a distance of 20m on approach to the junction with the B921. It is also proposed to extend the 20mph speed restrictions in place on entry to Kinglassie to include the application site. A pedestrian footway along the south of the B921 and a pedestrian crossing on the B921 are also proposed.

1.3 Other than its inclusion within FIFEplan (2017) as an allocated site, there is no recorded planning history for the application site.

1.3.1 The application was subject to a site visit on the 29th of July 2022.

1.4 Application Procedures

1.4.1 The proposal falls within Class 2: Housing of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As more than 50 units are proposed, the proposal is categorised as a Major development. The applicant has carried out the required Pre-Application Consultation (PAC) through holding public information events (Ref: 21/03087/PAN). A PAC report outlining comments made by the public and the consideration of these in the design process of the proposal has been submitted as part of this application. Overall, the manner of public consultation was considered to be acceptable.

1.4.2 As the application site exceeds 0.5ha, per the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development is identified as a 'Schedule 2' development which required to be screened for EIA. The proposed development was screened by the Planning Authority in January 2022 (Ref: 21/03860/SCR), where it was concluded that an EIA was not required.

1.4.3 This application was advertised in the local press for Neighbour Notification purposes. The application was subsequently re-advertised by the Planning Authority following the submission of revised and amended information and plans.

2.0 ASSESSMENT

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

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

2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 Approved National Planning Framework 4 (NPF4) (2023), Policies 1, 2, 7 and 8 of the Adopted FIFEplan Local Development Plan (2017), Fife Council's Strategic Housing Investment Plan 2023/24 - 2027/28, Fife Council's Housing Land Audit 2022 and the Housing Need and Demand Assessment 2 (HNDA2) apply with regard to the principle of development for this proposal.

2.2.2 It is required under the Planning Act to identify material considerations that may provide sufficient material weight to justify a departure from the development plan. National planning policy is expressed through NPF4. The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022, with the NPF4 being formally adopted on 13th February 2023. NPF4 forms part of the statutory Development Plan, and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places. The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. With NPF4 adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them now cease to have effect and no longer form part of the Development Plan, nor NPF3 and SPP. With SPP no longer forming part of the development plan, the tilted balance in favour of sustainable developments where a housing land shortfall exists would be removed.

2.2.3 Policies 9 (Brownfield, vacant and derelict land and empty buildings) and 16 (Quality Homes) of NPF4 are relevant. Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Policy 16 aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. Whilst NPF4 generally discourages development on greenfield site, Policy 9(b) does set out that proposals on greenfield sites may be supported where the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. Policy 16(a) states that development proposals for new homes on land allocated for housing in LDPs will be supported.

2.2.4 The application site is identified as site GLE138 in the HLA 2022 as a non-effective site given the infrastructure constraints. The HLA capacity for the site is noted as 211 units. As a non-effective site, the 211 units have not been included in the housing land requirement figures within the HLA. Fife Council's Strategic Housing Investment Plan 2023/24 - 2027/28 identifies that 44 affordable housing units are to be delivered in Kinglassie on land to the south of Hill View (the application site).

2.2.5 Policy 1 of FIFEplan sets out that 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. Part A states that the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the Local Development Plan.

2.2.6 Under Part B of Policy 1, development proposals must address their development impact by complying with relevant criteria and supporting policies listed in the plan. In the case of housing proposals, they must mitigate against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure (see Policy 3 Infrastructure and Services, and Policy 4 Planning Obligations). Proposals must also protect Fife's existing and allocated employment land (see Policy 5 Employment Land and Property). Part C of Policy 1 requires development proposals to be supported by information or assessments which demonstrate that the proposal will comply with criteria and supporting policies relevant to the specific development.

2.2.7 Adopted FIFEplan Policy 2 (Homes) states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply; on sites allocated for housing in this Plan; or, on other sites provided the proposal is compliant with the policies for the location. Further to this, Policy 2 also advises that in terms of development requirements, all housing proposals must meet the requirements for the site identified in the settlement plan tables and relevant site brief; and include provision for appropriate screening or separation distances to safeguard future residential amenity and the continued operation of lawful neighbouring uses in cases where there is potential for disturbance.

2.2.8 The application site is allocated within FIFEplan (2017), identified as 'Laurance Park South' (KLS001) which forms part of the wider Ore/Upper Leven Valley Strategic Development Area (SDA). Per the FIFEplan (2017) Spatial Strategy, the Glenrothes and Ore/Upper Leven Valleys area is identified as a focus for further development by SESplan to encourage regeneration on and around the Fife Circle rail link which, together with the A92 gives good links around southern Fife and to and from the Edinburgh area. Development areas were identified in Thornton, Cardenden, Kinglassie and Glenrothes due to the changing housing context in SESplan; this continued the approach of locating development around the northern arc of the Fife Circle rail line and in locations which have good access to local and regional services and employment opportunities.

2.2.9 Site KLS001 is a 7ha site allocated in FIFEplan (2017) for housing development, with an estimated housing capacity of 211. Whilst NPF4 generally discourages greenfield development, directing development towards vacant and previously developed sites within settlements, as the application site is allocated in the Local Development Plan, it is considered that the proposal complies in principle with Policies 9(b) 16(a) of NPF4. The FIFEplan (2017) allocation sets out that a Transport Assessment is required, as is a Flood Risk Assessment. FIFEplan (2017) further states that a 6m buffer strip is required from the burn adjacent the southern boundary of the site, with no development within 10m of adjacent woodland to the south west of the site. The FIFEplan (2017) Green Network Priorities for the site include the requirement to:

- Create a high quality gateway to the village from the east, and establish a high quality landscape edge along the B922, which will provide an appropriate landscape setting for the development and should incorporate access provision. Incorporate the existing hedgerows along the B921 and B922, where possible.
- Establish new greenspace as an integral part of a strong north-south green network through the site, incorporating access habitat and SUDS provision. Take suitable measures to protect the existing shelterbelt along the western boundary of the site, and connect to the greenspace along the Lochty Burn, south of the site.

2.2.10 The proposal is for a residential development of 211 houses with associated infrastructure and landscaping, consistent with the estimated housing capacity for the site in

FIFEplan (2017). The development would consist of 2, 3 and 4 bedroom terraced, semi-detached and detached one and two storey houses, as well as 3 storey flatted blocks. 45 (21%) of the proposed dwellings would be affordable. The number of proposed affordable units is consistent with the figure identified in the Council's Strategic Housing Investment Plan. On the basis of the site allocation, the proposal is considered to comply with the Adopted FIFEplan (2017) in general land use terms. The infrastructure implications for the site will be addressed later in this report.

2.2.11 Overall, the proposed residential development on this SDA site is considered to be acceptable in principle, complying with the requirements of Policies 9 and 16 of NPF4 and Policies 1 and 2 of FIFEplan (2017). The overall acceptability of the development will depend on whether the proposal satisfies other relevant Development Plan policy criteria as set out in Parts B and C of Policy 1 of FIFEplan, and the site allocation development requirements and green network priorities; this shall be explored in the proceeding sections of this report.

2.3 DESIGN AND LAYOUT/VISUAL IMPACT

2.3.1 NPF4 (2023), FIFEplan Local Development Plan (2017) Policies 1, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018) and Designing Streets (2010) apply with consideration to the design and layout of the proposed development.

2.3.2 NPF4 Policy 14 (Design, Quality and Place) aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Policy 14 sets out that:

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
 - b) Development proposals will be supported where they are consistent with the six qualities of successful places: Healthy; Pleasant; Connected; Distinctive; Sustainable; and Adaptable.
 - c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.
- Policies 3 (Biodiversity), 4 (Natural Places), 12 (Zero Waste), 13 (Sustainable Transport), 15 (Local Living and 20 Minute Neighbourhoods), 16 (Quality Homes), 20 (Blue and Green Infrastructure), 21 (Play, Recreation and Sport) and 23 (Health and Safety) are also relevant when considering the design and layout of the proposed residential development.

2.3.3 FIFEplan (2017) Spatial Strategy promotes an increase in Quality of Place through new development in Fife. FIFEplan Policy 1 Part C requires proposals to demonstrate adherence to the six qualities of successful places. Policy 10 (Amenity), requires proposals to demonstrate that development would not result in a significant detrimental impact on amenity in relation to visual impact. Policy 14 provides more detail on these principles of good placemaking. The six qualities require places to be: distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around. Fife Council will apply the six qualities of successful places in order to assess a proposal's adherence to these principles.

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. It additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places. This document sets out the level of site appraisal an applicant is expected to undertake as part of the design process, including consideration of the

landscape setting, character and the topography of the site. The appraisal process may also require an assessment of the townscape character of the site context, where appropriate. Applicants are encouraged to demonstrate that the proposal has followed a robust design process. Making Fife's Places includes an evaluation framework to guide the assessment of the design process undertaken.

2.3.5 *Designing Streets* (2010) is the Scottish Government's Policy Statement for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. This document sets out that street design must consider place before movement, whilst street design is a material consideration in determining planning applications. Street design should meet the six qualities of successful places. Furthermore, it is advised that street design should be based on balanced decision-making and must adopt a multidisciplinary collaborative approach.

2.3.6 A Design and Access Statement (DAS) has been submitted as part of the application given its major designation, explaining the rationale behind the chosen layout and how this responds to the constraints of the application site, and how the site responds to its location. A supplementary design statement has also been submitted which addresses amendments to the proposal following a number of concerns being raised by the Planning Authority. The development proposals are considered by the DAS and supplementary design statement in relation to the six qualities of successful places and other relevant planning policies and demonstrates how the placemaking principles within Making Fife's Places and its Evaluation Framework have been successfully applied. The design information submitted discusses the context and various uses surrounding the site and informs how the proposed development provides an appropriate response to these.

2.3.7 Within the development there would be a variation of house types and sizes. Properties would consist of 2, 3, 4 and 5 bedroom terraced, semi-detached and detached single and two storey dwellinghouses, as well as two and three storey blocks of flats. The proposed dwellinghouses would be of a typical modern design, with finishing materials and overall design aesthetic consistent throughout. Finishing materials would comprise of white dry dash rendered walls, grey or buff multi facing brick feature areas and bays, grey concrete roof tiles, grey uPVC windows, precast concrete cills, black rainwater goods and white uPVC soffits and fascias. This simple palette of materials is considered to be sympathetic to the specific context of this site and settlement of Kinglassie. The general form, massing, layout and architectural style, as well as the mix of housetypes, of the proposed units are considered to be well suited to the site's location. The mix of housetypes, heights of buildings and use of different colour facing bricks would add further visual interest to the housing development by preventing excess uniformity. It is considered that whilst the proposed affordable housing units would be grouped together, these would be largely indistinguishable from the proposed market housing with there being no notable difference in the design quality of the market and affordable units. Most dwellings would feature in curtilage off-street parking spaces, however a number of parking courts and bay parking areas are also proposed.

2.3.8 The orientation of buildings in relation to streets, open spaces, public paths and courtyards is supported by the Planning Authority, with active building fronts and gables facing public spaces and closing down key nodes, creating a greater visual interest and encouraging passive surveillance. Buildings are also positioned close to the road/footway in key locations to create a sense of enclosure, giving these streets a different character whilst also encouraging slower vehicle speeds. Building lines and plot arrangements are not presented in a continuous uniform manner, which is a positive design principle. Key views from within the site are generally framed

by building fronts and/or designed open space areas. The incorporation of open space areas (including hard landscape courtyards), street trees, dedicated footpaths/cyclepaths and shared street surfaces would create a distinct, pedestrian friendly environment, aided by the proposed footpath connection to the west of the site which would allow for greater movement permeability and choice of routes into, through the site, and to the wider area. Following discussions with the applicant and TDM Officers, the applicant has agreed to the use of a Grampian style planning condition to secure the delivery of a footpath link. A footway is proposed along the northern edge of the site which will provide a safe route into Kinglassie for pedestrians which is positive. With dwellings positioned directly on to Kinglassie Road, this would assist to self-enforce the proposed reduction of the road to 20mph. Cul-de-sacs are generally avoided which is welcomed, with the limited number which are proposed featuring pedestrian footpaths beyond the termination of the carriageway. It is recognised that steps have been taken to reduce the visual impact of parked cars on the principle movement routes through the incorporation of side of house parking, courtyards and street trees, whilst the use of shared surfaces, raised tables, varying street widths, and use of pedestrian footpaths at the end of cul-de-sacs and connecting footpaths beyond the site would promote pedestrian permeability and meet streets for people principles. A street hierarchy would be aided through the use of differing surface materials and colours, with secondary and territory streets featuring narrower carriageways and dwellings brought closer to the carriageway edge. Front garden areas would feature low level hedges to create defensible boundaries and set a clear definition between public and private spaces. Rear boundary treatments would comprise of timber fencing (including acoustic fence where required) however views of these from public vantagepoints would be limited, and where unavoidable, hedgerows in front of the fences are proposed.

2.3.9 The main amenity space is located in the south eastern corner of the site, comprising a large SuDS detention and equipped play area. Smaller open space areas are proposed throughout the site, including a mix of soft and hard landscaped courtyard areas designed to serve as 'high place function street' by incorporating street trees and play boulders; such spaces are encouraged within Making Fife's Places Supplementary Guidance (2018). Whilst the total area of open space proposed would be below the policy requirements (discussed in full detail later in this report), the Planning Authority is satisfied that the proposed development would feel generally open through the location and function of the proposed spaces, aided by the street tree and hedgerow planting proposed throughout. Limited details of the landscaping planting proposals have been submitted which is regrettable, however from the plans provided the Planning Authority is generally satisfied that a well-designed planting strategy can be delivered at the site to provide both habitat value and suitable visual enhancement. A 6m buffer strip is proposed from the burn adjacent the southern boundary of the site, as required by the FIFEplan site allocation. Development is however proposed within 10m of adjacent woodland to the south west of the site, however the Planning Authority is prepared to relax the site requirement on this occasion given the historical agricultural use of the site impacting on the spread of tree roots within the site (this is explained further later in this report). With regard to the FIFEplan Green Network Priorities for the site, it is considered that with the proposed hedgerow and tree retention, fronting of properties on to the eastern boundary, proposed pedestrian access point in the north east corner (with opportunity for public art installation), and open space proposals, the development would be in accordance with the identified Green Network Priorities.

2.3.10 Fife Council's Urban Design Officer has provided several comments on this proposed development as the layout has progressed through the assessment of the application, with many of the suggestions put forward considered by the applicant and integrated into the proposal including a shift towards a more pedestrian friendly layout, improvements to the function and character of the streets and spaces, overlooking of spaces and increased amounts of open

space. Whilst the Urban Design Officer has advised that they still have concerns regarding the frontages to the north and east and the rural/urban transition due to the design and positioning of the proposed 3-storey blocks of flats in the north-eastern corner of the site, with this considered to give the development a more urban appearance. The Urban Design Officer also considers that as the majority of the on plot parking across the site is to the front of the houses, this would result in parked cars being very prominent in the street scene. Noting the Urban Design Officer's comments on front of house parking, it is considered that a fine balance requires to be struck between the visual impact of parked cars versus the need to provide sufficient off-street parking spaces (in accordance with the Council's Transportation Development Guidelines). In this regard, whilst it is noted that the majority of driveway parking spaces are located at the front of properties rather than the side, it is felt that sufficient steps have been taken to remove parked cars from view at key notal points and from continuous stretches of driveways on either side of carriageways. Turning to the concerns raised regarding the flatted blocks, whilst it is accepted that the flatted blocks would have a larger massing than the neighbouring dwellinghouses, however, given the set back positioning of the units from the road, change in levels from the B921/B922 into the site, the proposed retention of the boundary hedgerows, lack of pedestrian footways on approach to the site from the south and east and alterations to the B921/B922 junction, it is ultimately considered that the flatted blocks would not have a significantly adverse impact on the character of the countryside, nor the rural-urban transition. Additionally, given the absence of development and sloping nature of the agricultural fields to the north, it is considered that the eastern entrance to the village would maintain some of its rural characteristics.

2.3.11 In conclusion, the proposed residential development is considered to be acceptable within its setting and has been well supported by robust contextual analysis. The general form, massing, layout and architectural style, as well as the mix of housetypes, of the proposed units are considered to be acceptable in this location, as it the road layout, whilst the proposed landscaping and areas of open space would give a sense of identity to development. Through its design and layout, the proposed development is thus considered to be acceptable for its location is therefore supported by the Planning Authority in accordance with the aforementioned development plan policies, supplementary guidance and design guidance documents.

2.4 RESIDENTIAL AMENITY

2.4.1 Policies 14, 16, and 23 of NPF4 (2023), Policies 1, 5 and 10 of Adopted FIFEplan Local Development Plan (2017), Planning Advice Note (PAN) 1/2011: Planning and Noise, REHIS Briefing Note 017 Noise Guidance for New Developments, WHO's Guidelines for Community Noise, Fife Council Policy for Development and Noise (2021), Fife Council Customer Guidelines on Daylight and Sunlight (2018), Garden Ground (2016) and Minimum Distances between Window Openings (2011) apply in terms of residential amenity.

2.4.2 Policies 14, 16, 23 of NPF4 (2023) are relevant with each policy aiming to encourage good design and ensure residential amenity is fully considered, including noise impacts. The above FIFEplan policies and guidance set out the importance of encouraging appropriate forms of development in the interests of residential amenity. They generally advise that development proposals should be compatible with their surroundings in terms of their relationship to existing properties, and that they should not adversely affect the privacy and amenity of neighbours with regard to the loss of privacy; sunlight and daylight; and noise, light and odour pollution. Policy 5 sets out that in all cases, an assessment must be undertaken to identify the potential impact:

- on established business operations from the proposed use;

- on the amenity of the new use given the industrial or business nature of the surrounding uses; and
- on the amenity of surrounding land uses with particular emphasis being given to the impact on residential amenity.

Where potential negative impacts are identified, a separation buffer zone or screening will have to be provided to protect amenity

2.4.3 PAN 1/2011 and its accompanying Technical Advice Note (TAN) promotes the principle of how noise issues should be taken into consideration with determining an application. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It is recommended that Environmental Health Officers and/or professional acousticians should be involved in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments. The PAN recommends that Noise Impact Assessments (NIAs)/acoustic reports are submitted to aid the planning authority in the consideration of planning applications that raise significant noise issues. The purpose of a NIA is to demonstrate whether any significant adverse noise impacts are likely to occur and if so, identify what effective measures could reduce, control and mitigate the noise impact. Fife Council's recommended noise limits are:

- Internal daytime (07:00-23:00) - 35db
- Internal night-time (23:00-07:00) in bedrooms - 30db
- External amenity areas – 50db

The TAN provides a matrix for determining the impact significance from magnitude of effect and receptor sensitivity for existing properties introduced to a new noise source. Noting the Council's recommended noise levels for external amenity areas, BS8233:2014 specifies a "desired" level of 50dB_LA_{eq,T} with an "upper guideline level" of 55 dB_LA_{eq,T}.

2.4.4 The REHIS Briefing Note 017 Noise Guidance for New Developments advises that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided as is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation. Predictions of internal noise levels within noise sensitive premises must be calculated based on an open window scenario. The use of mechanical ventilation to achieve suitable internal noise levels is considered to be a last resort. 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. 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. This guidance is not a statutory document but is considered to have material weight as it sets out criteria for the assessment of noise. Fife Council Policy for Development and Noise (2021) furthers this guidance by setting out that the Planning Authority shall also consider the benefits to development and ensuring a positive urban realm is achieved.

2.4.5 The scope of WHO's Guidelines for Community Noise document is to consolidate scientific knowledge on the health impacts of community noise and to provide guidance to professionals trying to protect people from harmful effects of noise in non-industrial environments. WHO recognises that uninterrupted sleep is a prerequisite for good physiological and mental functions, and that a lack of sleep as a consequence of noise can have adverse health implications. WHO advises that for a good night's sleep, the equivalent sound level should not exceed 30dB.

Section 3.3 of this document further sets out that 'for a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45dB LAFmax more than 10-15 times per night', i.e. residents should not be subjected to individual noise events through the night exceeding 45dB more than 10-15 times between 23:00-07:00. With regard to external areas, the WHO advises that to avoid people from becoming seriously annoyed during the daytime, the average sound pressure level should be below 55dB (referred to as the upper limit), whilst to ensure people are not moderately annoyed during the daytime, the average sound pressure level should be below 50dB (referred to the lower limit).

2.4.6 As per Fife Council Customer Guidelines on Daylight and Sunlight (2018), sunlight is considered to be the rays of light directly from the sun from a southerly direction, whereas daylight is the diffuse light from the sky that can come from any direction. The guidance considers these two forms of natural light as follows; sunlight received by residential properties' main amenity spaces; and daylight received by neighbouring windows serving habitable rooms. The guidance details the 25 degree and 45 degree assessment to measure the impact of loss daylight as a consequence of a development. This guidance additionally states that proposed developments should allow for the centre point of neighbouring properties' amenity spaces to continue to receive more than two hours of sunlight (calculated on 21st March). Fife Council's Minimum Distance between Window Openings (2011) 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 angle between the windows increases. If there is a road or pavement between the existing and proposed properties, or a permanent high barrier, the distances can be less.

2.4.7 Fife Council's Planning Customer Guidelines on Garden Ground advise that all new detached and semi-detached dwellings should be served by a minimum of 100 square metres of private useable garden space. The Council' guidance does not specify a minimum requirement for terraced units. The guidance sets out that flats must be set in or have at least 50 square metres of private garden for each flat. A building footprint to garden space ratio of 1:3 is recommended. Garden ground provision does not include space for garages, parking or manoeuvring vehicles.

2.4.8 Objectors to this application have raised concerns regarding loss of privacy and daylight/sunlight for existing properties. Considering the relationship between proposed and existing properties, the proposed development is not considered to raise any significantly adverse residential amenity impacts. With the exception of Plots 161, 162 and 163, each of the proposed dwellings would be situated more than 18m from rear/side building lines of existing residential properties within the vicinity of the site, in-keeping with the Council's recommendations. With regard to Plots 161 and 163, the window-to-window distance to the front and rear elevations of 3 Hill View would be approximately 17m, however given the intervisibility angle between the windows, per the Council's recommendations, it is accepted that the proposed dwellinghouses would not raise an adverse privacy concern. The rear elevation of Plot 162 would be approximately 15m to the east of the side gable elevation of 3 Hill View. Whilst this is below the recommendations set out within the Planning Customer Guidelines, it is noted that the gable elevation of the neighbouring property does not feature any windows and as such it is considered that the proposed development would not give to any adverse privacy/window-to-window concerns. The Planning Authority are also satisfied that given the outlook available from the proposed dwellinghouses, the proposed development would not lead to an unacceptable degree of overlooking of the private amenity spaces of existing neighbouring properties, and vice versa; Plot 161 would offer a limited view over the neighbouring property's rear garden from a single first floor window, Plot 211A would feature a blank north gable elevation to prevent

overlooking of the garden ground of the existing property to the north, whilst Plots 206A-209A would all be single storey with outlook impeded by proposed timber fence boundary treatments. Additionally, it is calculated that given the positioning of the proposed dwellinghouses relative to the windows and amenity spaces of existing properties, the proposed development would not give rise to an adverse loss of daylight or sunlight for existing properties. Lastly, given the residential nature and scale of the development, it is considered that no adverse noise or light pollution concerns would arise; the noise impacts from road traffic will be discussed below.

2.4.9 Reviewing the distance and angles between windows of the proposed dwellinghouses within the site, it is considered that no adverse concerns would arise, with a minimum distance of 18m between the front and rear elevations of properties which directly front each other. Throughout the site, consideration has been given to the positioning and orientation of properties to ensure that where properties on street corners (located in closer proximity to neighbouring properties), windows serving habitable rooms do not directly face each other. In terms of privacy within rear gardens, due to layout there would be some overlooking of neighbouring gardens where properties back onto the side of neighbouring rear gardens, meaning that the outlook available would be over the whole of the garden. The Planning Authority would be willing to accept this however within the site and it is considered to a consequence of any development of this nature. Due to the pattern of development and the relationship of some of the properties within the site, there is likely to be some overshadowing of some of the proposed gardens from neighbouring proposed properties. This would however only be for short periods of the day with most gardens having access to a good level of sunlight. None of the gardens would receive a level of sunlight which would be considered unacceptable as a consequence of any grouping of properties.

2.4.10 It is proposed to create a pedestrian footpath along the southern side of the B921, utilising the existing grass verge. The proposed footpath would extend from the north eastern corner of the application site to the existing shared vehicular access serving the properties of Hill View. A concern has been raised in the submitted objections, noting a comment from TDM Officers, that the introduction of the proposed pedestrian footpath would lead to significantly adverse privacy and overlooking concerns for the properties of Hill View which front the B921. A concern was also raised regarding the formation of a 1m high retaining wall to support the footpath, with objectors citing that the retaining wall would lead to overshadowing of front garden areas. In response to the concerns regarding the retaining wall, as confirmed by the sectional drawings provided by the applicant, there is no proposal for a 1m high retaining wall to support the pedestrian footpath, with only minor regrading works proposed. Turning to concerns of overlooking and loss of privacy, the proposed footpath would permit views into the front garden areas; the footpath ground level would sit approximately 1m above the garden areas. The dwellings of Hill View would be situated between 8.5-9.5m from the edge of the proposed footpath. It is accepted that the proposed footpath would lead to pedestrians travelling along the frontage of the Hill View properties, however it is ultimately considered that (despite the lack of an existing footpath) the front garden areas of the Hill View properties are not visually private spaces given their open nature and views available from the public road and footpath on the northern side of the B921, and as such the proposed footpath would not lead to significantly adverse overlooking concerns that would warrant refusal of the application. Additionally, the set back distance of the dwellings from the proposed footpath is considered to be sufficient to ensure the privacy of occupants would not be adversely affected.

2.4.11 The majority of the detached units exceed the minimum garden space recommendations of 100sqm, with some garden areas in excess of 135sqm. The only exception is for some of the

corner plots where the landscaping strips for the internal roads eat into the land which available. The larger semi-detached units would be served by garden areas of 90sqm to 100sqm+. The smaller semi-detached and terraced units would feature garden sizes ranging from 48-74sqm. Each of the proposed flatted blocks would be set in an area of ground of approximately 50sqm per flat. As the smaller units semi-detached and terraced unit and are attached to other units, it is more difficult to meet the minimum standard without having disproportionately longer gardens. Where the gardens do not meet the minimum standards in area, the units would generally meet the minimum standards in terms of plot ratio. The plot ratio better reflects the garden size needs of a residential property where smaller units are proposed. To meet the minimum garden size these gardens would need to have long thin gardens or have disproportionately large side gardens. While the smaller units have gardens which are less than the standard within the guidance, this reflects the smaller size of the building and it could be argued better reflects the specific needs of that unit. The minimum garden ground standards are contained within a guidance document and are not a statutory policy for the very reason that garden size should reflect the context of the site and they should reflect an aim for a site rather than a requirement. Flexibility must be provided for sites with the overall aim being to ensure that a suitable standard of amenity is provided for future residents. This is achieved here. Overall, it is considered that an acceptable level of garden ground is being provided for the proposed units which reflects the size of units.

2.4.12 A Noise Impact Assessment (NIA), prepared by ITP Energised, has been submitted in support of this application given the potential for the proposed residential properties to be significantly impacted by noise associated with the public roads which bound the site to the north and east. The NIA also notes that the proposed development would bring with it an increase in the number of vehicles using the B921 and B922. The proposed development would not be at risk of adverse noise impacts from Fife Airport (500m east of the site), nor the Whitehill Industrial Estate to the east. The NIA was considered alongside Environmental Health Officers (EHOs). EHOs did not raise any concerns with the methodology, findings or conclusions of the NIA, however advised that it is for the Planning Authority to consider as to whether a closed window solution would be supported.

2.4.13 The prediction model within the NIA calculated that as a consequence of the increase in vehicular traffic travelling along the B921, stemming from the increase in population in the area from the proposed residential development, there would be an increase of between 0.1dB and 0.2dB. It is therefore concluded that the vehicular traffic generated by the development would not give rise to adverse noise impacts for existing properties neighbouring the application site.

2.4.14 Considering the noise environment for the proposed dwellings, the NIA predicts the internal noise levels on the assumption of windows being open for ventilation. The NIA predicts that the internal noise levels for properties fronting the B921 and B922 would exceed the recommended daytime and night-time noise limits; the predicted noise levels would lead to major adverse impacts for future residents. A closed window solution was therefore considered. With the adoption of a closed window solution, the NIA predicted that each of the properties fronting the roads would achieve an acceptable internal noise level. The NIA recommends that acoustic ventilation be provided for the rooms fronting the roads; this proposal would ensure that rooms could be ventilated without requiring windows to be open, with the windows remaining openable to allow rapid ventilation as required. Whilst the windows of the affected rooms would be openable to allow rapid ventilation as required, they are designed to allow occupants the choice to close their windows to mitigate against road and rail traffic noise while still receiving appropriate levels of background ventilation as required by the Buildings (Scotland) Regulations. The Planning Authority is supportive of the use of a closed window scenario with mechanical

ventilation to mitigate road noise as the occupant has the option to open their window and accept the noisier conditions or keep their windows closed and use the mechanical ventilation. Considering the exceptional circumstances criteria set out by REHIS as the application proposes the development of a site within the Ore/Upper Leven Valley SDA (FIFEplan, (2017) and promotes significant strategic growth, the use of closed window solution for units which front the B921 and B922 are considered to be acceptable on this occasion. It is also considered that the proposed closed window solution is the most appropriate in terms of visual amenity and placemaking as the alternative solution would be the use of a visually intrusive barrier along this frontage or significantly setting back the proposed units, neither of which would be supported by the Planning Authority. The properties fronting the B921 and B922 would effectively screen the road noise levels for properties located behind. It is also noted that with the proposed extension of the 20mph speed limit along the frontage of the site, the internal noise level of properties fronting the B921 would be less than was predicted in the assessment. Conditions could be used to secure full details and installation of the proposed acoustic ventilation solution.

2.4.15 Lastly, the NIA considers the noise levels of external amenity/garden spaces for the proposed residential properties. The NIA recommends that acoustic fencing be used in key locations where garden areas would not benefit from acoustic screening by dwellings directly fronting the B921 and B922. The NIA predicts that during the daytime, the noise levels experienced within private external amenity spaces would be less than 50dB for the majority of properties, with approximately 10 properties experiencing noise levels of between 50-55dB. All external amenity spaces would experience noise levels of below 50dB during night-time. Whilst the garden areas of small number of properties would be above the Council's 50dB recommendation, as these properties would still be within the 55dB recommendation of BS8233, and as there are visual benefits of locating properties along the B921 and B922 boundaries, the Planning Authority ultimately considers that the noise levels which would be experienced within external amenity spaces would be acceptable. The noise level experience within the proposed children's play area during the daytime would be less than 50dB which is considered to be acceptable. Conditions could be used to secure full details and installation of the proposed acoustic barriers.

2.4.16 Given the scale of the proposed development, there would be a concern regarding the potential disturbance of neighbouring properties during construction. To mitigate such concerns, a condition could be included for a construction environmental management plan (CEMP) to be submitted and adhered to in the event this application was to be approved.

2.4.17 In conclusion, it is considered by the Planning Authority that the proposed development would not give rise to adverse residential amenity concerns. Whilst the site is bound by two busy/noisy roads, the Planning Authority is satisfied that the mitigation measures proposed would ensure future residents would not be subjected to adverse noise impacts. Additionally, the proposed development has been laid out to protect the privacy, sunlight and daylight provisions of existing neighbouring properties, whilst ensuring the proposed dwellinghouses would receive an acceptable standard of amenity. The proposed development is thus deemed to be acceptable with regard to residential amenity considerations, complying with Policies 14, 16, 23 of NPF4 (2023) and Policies 1, and 10 of FIFEplan (2017). The acceptability of the proposed development in residential amenity terms is not however considered to be the determining factor in the assessment of this planning application.

2.5 TRANSPORTATION/ROAD SAFETY

2.5.1 Policies 13, 14 and 15 of NPF4 (2023), Policies 1, 3 and 10 of the Adopted Fife Local Development Plan (2017), Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) and Scottish Government Designing Streets (2010) apply with regard to this proposal.

2.5.2 NPF4 Policy 13 (Sustainable Transport) aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Policy 13 sets out:

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported.
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

2.5.3 Policy 14 (Design, Quality and Place) of the NPF4 aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Policy 14 sets out that:

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places: Healthy; Pleasant; Connected; Distinctive; Sustainable; and Adaptable.
- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

2.5.4 Policy 15 (Local Living and 20 Minute Neighbourhoods) of NPF4 aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. This Policy sets out that; a) development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed

development with the surrounding area, including local access to: sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks; employment; shopping; health and social care facilities; childcare, schools and lifelong learning opportunities; playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities; publicly accessible toilets; affordable and accessible housing options, ability to age in place and housing diversity.

2.5.5 NPF4 Policies 12 (Zero Waste), 20 (Blue and Green Infrastructure), 21 (Play, Recreation and Sport) and 23 (Health and Safety) are also relevant for considering this residential development.

2.5.6 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. Minimum parking standards for residential developments are:

- 2-3 bedroom houses : 2 off-street parking spaces
- 4-5 bedroom houses : 3 off-street parking spaces

A garage can be counted as an off-street parking space providing it has a minimum internal dimension of 7.0 metres x 3.0 metres. The Transportation Development Guidelines set out that up to 25% of units within a residential development can be one off-street parking space short, providing the spaces can be provided on-street (in addition to the required on-street visitor parking spaces). One on-street visitor parking space is required for every 4 residential units.

2.5.7 Designing Streets is the Scottish Government's policy statement for street design. The premise upon which the document is based is that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. Designing Streets does not, thus, support a standards-based methodology for street design but instead requires a design-led approach that assists to create a sense of place for users. Designing Streets advocates that new development should have multiple access points to connect the proposed development to an existing settlement, rather than creating a stand-alone development with poor connectivity to the existing built up area.

2.5.8 The planning application is for a residential development of 211 units, including 45 affordable units, with associated infrastructure including two vehicular access points, roads, landscaping, playpark and SuDS. The site is allocated for housing (KLS001 – Laurence Park South) within the adopted FIFEplan (2017) with an estimated capacity of 211 units. The B921 fronting the northern boundary of the site is subject to a 40mph speed limit. The B922 fronting the eastern boundary of the site is subject to the national speed limit of 60mph. There is an existing field access from the B922 located at the southeast corner of the site. A 2m wide grass verge on both the B921 and B922 frontages of the site is included within the adopted road boundary.

2.5.9 A Transport Assessment (TA), prepared by ECS Transport Planning Limited, has been submitted in support of the planning application. The TA has been reviewed alongside the Council's Transportation Development Management (TDM) Officers. The TA has followed Transport Scotland's "Transport Assessment Guidance". The TA has considered the impact of the proposed development on the surrounding public road network. 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. The TA is supplemented by a Technical Note which was prepared in response to concerns raised during the initial assessment of the application by TDM. Chapter 4 of the TA, 'Sustainable Accessibility', describes the existing walking, cycling and public transport options adjacent to the site and proposed mitigation measures to promote the use of sustainable travel. Kinglassie Primary School, a few local shops and the west end of Whitehill Industrial Estate are within a reasonable walk distance of the site. A significant part of Glenrothes and Kirkcaldy are within a reasonable cycle distance but there is only a dedicated on and off-road cycle route between Kinglassie and Glenrothes. The B922 between the B921 and B981 is not pedestrian and cyclist friendly. Kinglassie is served by existing bus services providing links with Glenrothes, Kirkcaldy and Dunfermline. The journey times to Glenrothes are reasonable. The journey times of some 50 minutes to Kirkcaldy Bus Station and 60 minutes to Dunfermline however are considered to be trip durations of such length that they would be unlikely to encourage bus use for regular commuter trips.

2.5.10 To encourage sustainable links between the application site and Kinglassie, and to ensure the proposal accords with the principles of 20 minute neighbourhoods, the proposed development would incorporate opportunities for pedestrian links to/from the village. The proposed development would include the provision of a 2m wide footway on the south side of the B921 to connect with the end of the existing footway adjacent to the 20/40mph signs (entrance to Hill View), with bus stops proposed to be located on either side of the B921 opposite the site. Additionally, whilst the applicant was initially reluctant, it has been agreed that the proposal shall include a pedestrian link from the site to Lochty Park to the west, avoiding the need for all pedestrians to travel along the B921; this link also provides access to existing open space areas which compensate for the shortfall provided within the site. TDM have advised that they are supportive of the proposed pedestrian links providing they are secured.

2.5.11 To improve the pedestrian environment for users of the proposed B921 footpath, the applicant proposes to extend the 20mph speed limit of the B921 on entry to Kinglassie to include the frontage of the application site. Fife Council Traffic Management recommends that 20mph speed limits should be self-enforced through the design of the road rather than solely relying on road signs to enforce drivers to travel at lower speeds. TDM, in consultation with Traffic Management, were initially apprehensive regarding the applicant's proposed extension of the 20mph zone as the proposed development as originally submitted would have done little to encourage lower speeds. In response to the comments from TDM, the site layout was suitably amended to provide dwellings (plots 1 – 11 & 165) with direct frontage access to the B921 and raised tables (1 in 25 ramps) at the two proposed vehicular accesses to the site, as well as an additional raised table between the two access points. Two bus stops are also proposed on the B921 opposite the site. Upon review of the amendment to the site layout, TDM (in consultation with Traffic Management) have confirmed that they are satisfied that the proposed development would be sufficient to justify an extension to the existing 20mph speed limit to the east of the proposed eastern vehicular access point; the formal change to the speed limit of the B921 shall be progressed through a separate mechanism beyond this planning application.

2.5.12 As confirmed within the TA, the B922/B921 junction currently operates over capacity in both the AM and PM peaks, resulting in queues (and subsequently delays) for vehicles turning left or right from the B922 on to the B921. The current peak 'Ratio of Flow to Capacity' (RFC) of

the junction is 123%, with a passenger car equivalent (PCU) of 52 during AM peak. The TA argues that the lack of a dedicated left turn flare lane on the B922 compounds the issues at the junction. The analysis within the TA predicts that by 2024 (assumed to be year of opening of development) that without the additional traffic associated with the proposed development, the B922/B921 would operate further over capacity; predicted RFC of 126% and PCU of 57.6 during AM peak. With the proposed development in place (without any mitigation), the TA predicts that the capacity of the junction would be further impacted, with a predicted RFC of 134% and PCU of 73.4 during AM peak. The application proposes a no-net detriment mitigation measure at the existing B922/B921 junction, to ensure that it would continue to operate with the development trips introduced no worse than the predicted 2024 + low growth scenario traffic rate; the TA predicts that with the proposed development and mitigation measure in place, the predicted RFC of the junction would be 123% during the AM peak. The application proposes a 20m left turn flare lane on the B922 to remove traffic turning left from the righthand turn queue.

2.5.13 Fife Council TDM Officers have raised an apprehension regarding the proposed mitigation measures, feeling that it may not significantly benefit road users as the junction would continue to operate well beyond its capacity. Nevertheless, Officers recognise that the junction is currently operating well over capacity and that it would not be competent to require the applicant to resolve an existing issue. It is also noted that Fife Council does not have a proposal in place to carry out any improvement works on the B922/B921 junction. Following discussions between the TDM and Fife Council Traffic Management, an alternative approach was presented to the applicant to consider; the signalisation of the B921/B922 junction. The predicted impacts on the junction capacity with the proposed signalisation were run by the applicant's appointed transport consultant who concluded that with signalisation option suggested by Fife Council, the junction would operate within capacity (including post development) and a left turn flare lane would not be required. The applicant has expressed that would be willing to either introduce the flare to the priority junction to offset the development impact or commit to a financial contribution towards the upgrade to signals, to the value of the 20m left turn flare works (including traffic management and PU diversion costs) index linked to the year of opening; Fife Council would be responsible for financing the rest of the signalisation works. As no funding has been secured by the Council for the signalisation works, meaning at this time there is no guarantee the works will come forward, it is felt by the Planning Authority that it would be more appropriate to secure the applicant's proposed left flare lane mitigation proposal through the use of a planning condition.

2.5.14 With regard to the road layout and parking proposals, TDM Officers have expressed the opinion that the proposed road layout and parking arrangements have not been designed fully in accordance with Making Fife's Places Supplementary Guidance (2018) (and the Transportation Development Guidelines pertained within) and have highlighted that some sections of roads may not be suitable for adoption. Nevertheless, TDM have advised that they would be content for a planning condition to be used to secure minor amendments to the proposed layout and parking arrangements to ensure the site is developed in accordance with the current guidelines. The suggested amendments are considered to be appropriate and the recommended condition from TDM has been included in the final recommendation with the exception of reference to the path link to Lochty Park as a separate Grampian style condition is recommended to secure this as it relates to land outwith the application site. Additional conditions have been recommended by TDM with regard to visibility splays, construction wheel cleaning information and height of road side boundary markers. These conditions have been included in the final recommendation.

2.5.15 Within Figure 4 of the Planning Obligations Framework Guidance, the application site lies within both the Kirkcaldy and Glenrothes Intermediate 5km Zones and is therefore required to contribute towards the Strategic Transportation Intervention Measures (STIMs) identified for the areas. A legal agreement is therefore recommended to secure a contribution towards the STIMs identified in the adopted FIFEplan; further information regarding the required contributions is set out later in this report.

2.5.16 In conclusion, subject to the recommendation conditions and legal agreement, the proposed development is considered to be acceptable with regard to transportation and road safety considerations, complying with the policy requirements of NPF4, FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

2.6 FLOODING AND DRAINAGE

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

2.6.2 Policy 16 of NPF4 aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. Whilst NPF4 generally discourages development on greenfield sites, Policy 16(a) states that development proposals for new homes on land allocated for housing in LDPs will be supported. Policy 20 of NPF4 aims to protect and enhance blue and green infrastructure and their networks. The supporting criteria for this policy details that (b) development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. Policy 22 of NPF4 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Policy 22 sets out:

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or. iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that longterm safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk. In such cases, it will be demonstrated by the applicant that: all risks of flooding are understood and addressed; there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes; the development remains safe and operational during floods; flood resistant and resilient materials and construction methods are used; and future adaptations can be made to accommodate the effects of climate change.

c) Development proposals will: i. not increase the risk of surface water flooding to others, or itself be at risk. ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing bluegreen infrastructure. All proposals should presume no surface water connection to the combined sewer; iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

2.6.3 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. The Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) sets out the Council's requirements for information to be submitted for full planning permission to ensure compliance. Finally, CAR requires that SuDS are installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

2.6.4 The site features a gentle slope from north to south, with a high point of 84.5m AOD and a low of 68m AOD. The application site is contained by the B921 and B922 public roads to the north and east respectively, a narrow woodland to the west (with residential properties beyond) with the remainder of the agricultural field to the south with the Lochty Burn beyond. The site is located outwith the floodplain of the Lochty Burn. A narrow stream runs through the woodland to the west of the site, however this stream is not identified as a flood risk concern. A central area and southern boundary of the site (field ditch) are identified on the SEPA flood maps as being at medium risk from surface water flooding; this flood risk does not extend to any existing residential properties surrounding the site. The drainage ditch along the southern boundary is 1m-1.5m in depth, ranging from around 4m-10m in width, and discharges to a 500mm culvert to the east and the narrow stream to the west. The culvert is around 20m in length and connects to a ditch running along the west side of Cluny Road (B922). The culvert and the stream to the west of the site both discharge to Lochty Burn to the south. The FIFEplan (2017) site requirements for allocation KLS001 require a Flood Risk Assessment to be submitted with any planning application, with a 6m buffer strip required between development and the burn adjacent to the southern boundary of the site.

2.6.5 As a residential development on a greenfield site, the proposal would not accord with the criteria set out within Policy 22(a) of the NPF4 (2023) which describes when development proposals at risk of flooding or in a flood risk area will be supported, however the proposal would comply with parts (c, d and e) of the policy, as well as Policies 16(a) and 20(b). As shall be explored in greater detail below, the proposed development would not increase the risk of surface water flooding and manage surface water through SuDS incorporated in to the open space proposals for the development whilst avoiding the need to connect with the combined sewer (Policies 20(b) and 22(c)), with the applicant proposing to connect to existing Scottish Water infrastructure (Policy 22 (d)), and the development shall also enhance opportunities for natural flood risk management (Policy 22(e)). It is also noted that the area of the site identified as being at risk of flooding is small, taking up approximately 7% of the 7ha site. Given the extent of area of flood risk within the site and as the proposed development would manage surface water through appropriately designed SuDS, and as the site is allocated for residential development in FIFEplan (2017), the Planning Authority consider that the allocated development

site can be supported by the NPF4 with regard to flood risk and water management considerations.

2.6.6 Objections which have been submitted in response to this application raise concerns regarding localised flood risk, citing that the proposed development would worsen existing issues.

2.6.7 The proposals include a SuDS detention basin to the south east of the development to which all site runoff would flow, prior to discharge to the existing ditch/culvert via gravity. The discharge to the existing ditch would be attenuated to 24.75 l/s using a Hydro-brake in the last surface water manhole on the site. Surface water runoff from heavily trafficked roads would first be treated with road gullies and filter trenches located within verges or footways of the roads. The proposed surface water drainage system, including treatment and attenuation, has been designed to accommodate for 1:30, 1:100 and 200 year storm events (plus allowance for climate change). A maintenance schedule for the proposed SuDS has been provided, alongside the Council's required design and check certificates. Fife Council's Structural Services Officers were consulted on this application to provide advice on matters relating to flooding and surface water drainage. Upon review of the surface water management proposals and accompanying calculations and certificates, Structural Services have confirmed that they have no objections to the proposed development.

2.6.8 Given the identified flood risk concerns within the site, a Flood Risk Assessment (FRA), prepared by Kiloh Associates, has been submitted in support of the application. The FRA considers the potential hazards posed from all major sources of flooding (Fluvial, Pluvial, Groundwater, Infrastructural and Coastal sources); provides an assessment of all flood hazards present; and recommends mitigation measures where required. The site is considered to be at risk from fluvial flooding from the drainage ditch which runs along the southern boundary of the site and intercepts the runoff from the sloping site. The FRA concludes that the application site is at little to no risk of flooding through out of bank flows originating from the adjacent ditch. The FRA additionally sets out that a result of the development's inclusion of SuDS to accommodate surface water runoff within the site, downstream flows would be reduced during high flow events and the development would therefore contribute to a reduction in flood risk to downstream communities and environments. In their consultation response to the application, SEPA initially submitted a holding objection as they considered that the FRA had not fully assessed the flood risk associated with the burn running north-south along the western boundary of the site. Following receipt of SEPA's holding objection, a further site investigation was carried out and additional information provided by the drainage engineer regarding the burn, with the engineer concluding that the proposed development would limit further runoff into the burn. SEPA subsequently removed their holding objection following review of the additional information provided. Fife Council's Structural Services Officers did not raise any objections regarding the flood risk. Giving consideration to the conclusions of the FRA and advice from SEPA and the Council's Structural Services Officers, the Planning Authority is satisfied that the proposed development would not be at risk of fluvial flooding, nor would it result in an increased risk of flooding downstream.

2.6.9 Foul drainage from the proposed development is proposed to drain by gravity to the existing 450mm diameter combined sewer to the southeast of the site. In their consultation response to the Planning Authority, Scottish Water confirmed that they had no objection to the planning application, however advised that a Drainage Impact Assessment (DIA) and Hydraulic Water Impact Assessment (WIA) would be required to be carried out given the size of the proposed development to establish if there is sufficient capacity within the existing Scottish

Water network to accommodate the demands of the residential development. The final acceptance of the proposed development into the Scottish Water network is a matter beyond the consideration of the Planning Authority and would be progressed through Scottish Water's own consenting procedures.

2.6.10 Overall, whilst local concerns have been raised regarding flooding and drainage, the Planning Authority is satisfied that the proposed development would include suitable drainage infrastructure to service the proposed residential units, with information submitted to confirm the proposed development would not be at risk of, nor contribute to, fluvial flooding. The proposed development is therefore considered to be acceptable with regard to flood risk and drainage considerations within the development plan and complies with the relevant policies noted above set out within the Adopted NPF4 and FIFEplan Local Development Plan 2017..

2.7 CONTAMINATED LAND AND AIR QUALITY

2.7.1 NPF4 (2023), Policies 1 and 10 of FIFEplan Local Plan (2017) PAN 33: Development of Contaminated Land (2000), PAN 51: Planning, Environmental Protection and Regulation (2006), and Air Quality and Land Use Planning (2004) apply with regards to land stability in this instance.

2.7.2 NPF4 (2023) Policies 9 and 23 are relevant. Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) seeks encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Policy 9(e) sets out that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. Policy 23 (Health and Safety) aims to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. Policy 23(d) details that development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

2.7.3 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. SPP also makes reference to sites that still contain coal or other mineral reserves and this is relevant in this instance as the site has coal seams below the majority of the site area. The SPP advises that Local Development Plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. PAN 51 aims to support the existing policy on the role of the planning system in relation to environmental protection regimes as set out in the SPP.

2.7.4 Policy 10 of the Adopted FIFEplan 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. 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. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality, with particular emphasis on the impact of development on designated Air Quality

Management Areas, and contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.7.5 The majority of the site is identified by the Coal Authority as a Development High Risk Area due to past mining activity. The application is supported by a Desk Study Constraints Report and Mineral Risk Assessment Report. The Desk Study Constraints Report confirms that the site is in a surface area that could be affected by mine workings. An additional source of potential contamination for the site is associated with the fuel station to the northwest which may have impacted soils and groundwater more widely due to leakage during its operation life. The Desk Study Constraints Report recommends that intrusive investigations with associated monitoring and risk assessment be undertaken at the site prior to any construction works being carried out. The supporting information has been reviewed by the Council's Land & Air Quality Officers who have not raised any concerns regarding the methodology or findings of the reports, however, have recommended conditions to ensure the safe development of the site. In the first instance, a condition was recommended to ensure no development takes place until a suitable Intrusive Investigation (Phase II Investigation Report) has been undertaken and submitted, with a Remedial Action Statement submitted following in the event remedial action is recommended. A second condition was recommended to ensure that no part of the development is occupied until the recommended remedial actions have been carried out. An additional condition was also recommended to cover the possibility of unexpected contamination being encountered.

2.7.6 The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The supporting Desk Study Constraints Report indicates that the mineral stability of the site is considered to be satisfactory based on the archive information reviewed, although it recommends that two further cored boreholes and one open hole are undertaken in order to definitively confirm. The Coal Authority were consulted on this application, advising that they concur with the recommendations of the Desk Study Constraints Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority confirmed that they had no objection to the proposed development, providing their recommended conditions be included in any approval. The recommended conditions are similar to those recommended by Land & Air Quality, however, relate specifically to the investigation and remediation of coal.

2.7.7 Overall, it considered that whilst the application site is considered to be at risk from past contamination and coal mining, planning conditions could be used to ensure further investigations and appropriate remedial actions are undertaken to make sure the site is developed safely.

2.7.8 Due to the scale of the proposed development, the application has been supported by an Air Quality Impact Assessment (AQIA). A construction dust risk assessment is also included within the AQIA, to assess the potential risk of dust impacts on nearby sensitive receptors due to construction of the proposed development. The proposed development would bring with it an increase in traffic on the local road network which has the potential to impact air quality within the area. No centralised energy centre with combustion sources or any other combustion processes are proposed. The application site is not located within, or close to, an air quality management area. The AQIA calculated that the predicted impact descriptors would all be

negligible and the overall effect of the proposed development on local air quality at human receptors was therefore assessed as 'not significant'. Similarly, the effects from dust soiling on human health during the construction phase of the development would not be significant. Good practice and site-specific mitigation measures included in a Construction Environmental Management Plan (CEMP) would further reduce the likelihood of any potential impact during the construction phase. Upon their review of the AQIA, Fife Council's Land & Air Quality Officers advised that the information submitted appeared to be generally satisfactory. To ensure the recommended dust suppression mitigation measures are adhered to during the construction phase, a condition could be used to ensure the submission of a CEMP for the written approval of the Planning Authority and thereafter adhered to.

2.7.9 In conclusion, whilst the site is subject to past contamination and coal mining, conditions could be used to make sure the site conditions are investigated, and remediation measures put in place (if required), to ensure the site is developed safely for residential use. Additionally, the proposed development would not give rise to adverse air quality concerns. The proposed development is therefore considered to be acceptable with regard to land and air quality considerations, complying with the relevant development plan policies.

2.8 NATURAL HERITAGE AND TREES

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

2.8.2 Policy 1 of NPF4 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, with the policy setting out that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 3 of NPF4 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. To achieve this, Policy 3 sets out that:

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories are required to demonstrate how they meet specific criteria.
- c) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

2.8.3 Policy 6 (Forestry, woodland and trees) is also relevant, with this policy seeking to protect and expand forests, woodland and trees, setting out that:

- a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- b) Development proposals will not be supported where they will result in: i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy; iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
- c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

2.8.4 Policy 1 Part B (9) of the Adopted LDP states that development must safeguard or avoid the loss of natural resources. Policy 13 of the FIFEplan (2017) states that where a proposed development will only be supported where they protect or enhance natural heritage assets, including trees which 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 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. Where the proposed development would potentially impact on natural heritage assets (including species), a detailed study must be undertaken by a suitably qualified person detailing the potential impact of the development.

2.8.5 Policy 13 of FIFEplan (2017) states that where development is proposed on a site where trees are present, consideration will be given to whether, and in what form, development should be supported, having regard to the desirability of retaining and protecting mature and semi-mature trees, and other examples likely to be become attractive in amenity terms, or of a rare species. Making Fife's Places Proposed Supplementary Guidance Document (2017) details 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. BS 5837:2012 Trees in relation to Design, Demolition and Construction provides advice on protecting trees during construction and the formation of hard surfaces within the Root Protection Areas (RPAs) of trees, recommending that new permanent surfacing should not exceed 20% of any existing unsurfaced ground within the RPA.

2.8.6 The site is mainly agricultural land, bounded by hedgerows to the north and east, with a linear area of woodland to the west. The remainder of the agricultural field to the south of the site boundary, with the Lochty Burn beyond. A Preliminary Ecological Assessment (PEA), compiled by ITP Energised, has been submitted in support of the application. The PEA was informed by an ecological desk study, an extended UK Habitat Classification survey and a Preliminary (bat) Roost Assessment (PRA). The extended UK Habitat Classification survey was carried out within the site and a 100m buffer. The PRA covered the site and a 50m buffer. The survey reports

confirms that six primary habitats were recorded during the survey, including broadleaved woodland, hedgerow and arable farmland, noting that hedgerow is a priority on the Scottish Biodiversity List and Local Biodiversity Action Plan. No trees were identified that offered roosting potential for bats, with surrounding residential properties considered to offer low suitability, and as such no further survey for bats were considered necessary. No incidental evidence of badgers, otter or water vole was recorded during the survey, with the habitats within the study area considered to be considered suboptimal for these species. Therefore, no further surveys for protected species are considered necessary. The report notes some habitats are likely to support nesting birds and therefore recommended that any site clearance works take place outwith the bird breeding season – this could be secured via a planning condition.

2.8.7 Considering the limited ecological offering of the agricultural land that would be lost, it is considered that the landscaping and tree planting included within the proposed development would provide suitable biodiversity enhancement for the area. As required by Policy 3 of NPF4, the applicant has provided a statement on biodiversity enhancement. This enhancement includes the retention of hedgerows and woodland, a SuDS detention basin, street trees, grass verges and landscaping strip, whilst also drawing attention to the findings of the PEA with regard the limited ecological offering of the site at present. Whilst a formal landscaping plan has not been provided, the Planning Authority would be content to deal with such matters through conditions. The proposed development is therefore considered to comply with the development plan with regard to matters of biodiversity enhancement.

2.8.8 Site KLS001 is a 7ha site allocated in FIFEplan (2017) for housing development, with an estimated housing capacity of 211. FIFEplan (2017) states that a 6m buffer strip is required from the burn adjacent the southern boundary of the site, with no development within 10m of adjacent woodland to the south west of the site. The FIFEplan (2017) Green Network Priorities for the site include the requirement to:

- Create a high quality gateway to the village from the east, and establish a high quality landscape edge along the B922, which will provide an appropriate landscape setting for the development and should incorporate access provision. Incorporate the existing hedgerows along the B921 and B922, where possible.
- Establish new greenspace as an integral part of a strong north-south green network through the site, incorporating access habitat and SUDS provision. Take suitable measures to protect the existing shelterbelt along the western boundary of the site, and connect to the greenspace along the Lochty Burn, south of the site.

2.8.9 The development proposes to retain the hedgerow which forms the eastern boundary of the site with the B922, as well as the hedgerow along the northern boundary between the B921/B922 junction and the first proposed vehicular access point. In addition, the proposed development would include a landscape buffer along the eastern edge in an effort to soften the fringe of the development and create a transition between the countryside and the development; this would include the proposed detention basin. The retention of the hedgerows and the proposed landscape buffer and pedestrian/cycle link are considered to be in-keeping with the first Green Network Priority for the site.

2.8.10 A SuDS detention basin is proposed in the south eastern corner to manage the surface water runoff; the detention basin would be incorporated into the greenspace proposals for the development. Smaller pockets of greenspace would be sited throughout the residential development. The proposal also includes street trees and grass verges along the roads of the development. The woodland area along the western boundary and hedgerow to the south would be retained. Limited detail on planting and landscaping has been provided, however the

Planning Authority is satisfied that there is scope for a well-designed landscaping and planting proposals to be delivered across the site; planning conditions could be used to secure the submission of appropriate plans and information prior to the start of works. It is considered that through the greenspace proposals, combined with the woodland and hedgerow retention, the proposed development would be in-keeping with the second Green Network Priority for the site, with open spaces forming an integral part of the development to form an attractive and useable green network within the site; combining green space functions with active travel, landscape provision and visual stimulation for the majority of residents.

2.8.11 The 10m buffer strip requested in FIFEplan (2017) to protect the woodland (also reflected in the second Green Network Priority) is limited to 7.50m in the proposed development, with a row of communal parking spaces proposed along the western site boundary; there would be approximately 17.5m between the frontage of the affordable housing units to the western boundary. As noted in the submitted Tree Impact Assessment, prepared by BNTW Scotland, that arable cultivation will disrupt rooting to a depth of approximately 45cm and it therefore unlikely that roots would ingress into the application site. The Planning Authority is therefore satisfied that the recommended 10m buffer to the woodland can be relaxed on this occasion. The distance between dwellings and the trees is considered to be acceptable, complying with Making Fife's Places requirements with regard to falling distances. The 6.0m zone required per the FIFEplan site designation for the southern boundary drainage ditch has been achieved.

2.8.12 The submitted Tree Impact Assessment predicts that the proposed development would have a direct impact on a total of 38 trees within and adjacent to the site, with each of these requiring to be felled; with the exception of T19 (Cat. C), the individual trees and groups to be removed are identified as Cat. U trees which are in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management. To compensate for the trees to be lost, the Tree Impact Assessment recommends that a 2:1 replanting ratio be employed. Whilst a detailed landscaping plan has not been provided at this stage, it is considered that the indicative tree planting identified on the site layout plans would compensate for the trees to be removed. A condition is recommended to ensure a landscaping plan is provided prior to the start of works; with a requirement for native species trees to be planted.

2.8.13 In conclusion the proposed development would not adversely impact on any protected species, with suitable landscaping and biodiversity enhancement measures proposed. Conditions are included to secure the proposed landscaping and tree protection measures. Overall, it is considered that the proposed development would be acceptable with regard to natural heritage considerations within NPF4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

2.9 SUSTAINABILITY

2.9.1 Fife Council promotes sustainable development and consideration of this is set out within the NPF4 (2023), Policies 1 and 11 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018) and the Fife Council Low Carbon Fife Supplementary Guidance (January 2019).

2.9.2 NPF4 (2023) Policy 1 states that when considering all development proposals significant weight will be given to the global climate and nature crises, with Policy 2 aiming to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Policy 12 (Zero Waste) aims to encourage, promote and

facilitate development that is consistent with the waste hierarchy. Policy 13 (Sustainable Transport) aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

2.9.3 Policy 11 (Low Carbon) of the Adopted FIFEplan 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.

2.9.4 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that all local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal and major developments are required to provide an energy statement of intention which sets out how the proposal will meet the requirements of Policy 11. An Energy Statement of Intention is required for major applications.

2.9.5 An Energy Statement of Intention and Low Carbon Checklist have been submitted as part of this planning application, in accordance with Policy 11 and the Low Carbon Supplementary Guidance. Each dwellinghouse would adopt a 'fabric first' approach, making use of high levels of insulation to minimise heat loss. This approach would reduce the energy consumption of the dwellings to a minimum, with the small amount of energy required to heat the buildings partly produced using low carbon technologies, namely solar PV panels. Timber frame construction is proposed within this development to improve overall carbon saving in comparison to masonry build; whilst also offering thermal efficiency and air tightness improvements to reduce heating and operational costs of the home. Locally sourced building materials are proposed to be used, including recycled materials where possible. In order to comply with the current guidelines for surface water discharge quality, SuDS facilities are proposed as an integral part of the surface water system design. There would be sufficient internal and external spaces for the storage of mixed recycling facilities consistent with current Building Standards. With regard to travel and transport, it is acknowledged that the application site is located on the eastern edge of the village of Kinglassie, a generally sustainable location which would offer walking and cycling routes to Kinglassie and Glenrothes; it is proposed to install a footpath along the southern edge of the of B921 to provide pedestrian access to Kinglassie (with a pedestrian crossing), with bus stops also proposed to be formed on either side of the road, with a pedestrian link to Lochty Park also proposed, all of which would also offer benefits to existing residents of Kinglassie.

2.9.6 It would not be feasible for this development to connect to an existing heat network given its proximity to such facilities, whilst the development is not of a size which the Planning Authority would expect to provide its own heat source. The AQIA submitted with the application confirmed that the proposed development would not give rise to significantly adverse air quality issues.

2.9.7 Overall, it is considered that the development complies with the Development Plan in this regard and meets the requirements of the Low Carbon Fife policy and Supplementary Guidance.

2.10 AFFORDABLE HOUSING

2.10.1 NPF4 (2023) PAN 2/2010: Affordable Housing and Housing Land Audits, Policies 1 and 2 of FIFEplan (2017), Fife Council's Approved Supplementary Guidance on Affordable Housing (2018) and Planning Obligations Framework Guidance (2017) will be taken into consideration with regard to affordable housing provision.

2.10.2 NPF4 (2022) Policy 16 (Quality Homes) aims encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. With regard to affordable housing, Policy 16 (e) sets out that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances when an exemption can be made.

2.10.3 PAN 2/2010: Affordable Housing and Housing Land Audits provides advice on how the planning system can support the Government's commitment to increase the supply of affordable housing. Policy 1 of FIFEplan (2017) states that development proposals must meet the requirements for affordable housing. Policy 2 of FIFEplan sets out that open market housing developments must provide affordable housing at the levels for each Housing Market Area (HMA), consistent with the Affordable Housing Supplementary Guidance. Such affordable housing units must be fully integrated into development sites and be indistinguishable from other housing types. In order to achieve mixed and balanced communities, mixed tenure developments will be promoted. On-site contributions shall be sought for developments where the required contribution is greater than 20 affordable units (in urban areas). Fife Council's Supplementary Guidance on Affordable Housing (2018) sets out that housing proposals must accord with the Fife Local Housing Strategy (2015-2020). The Supplementary Guidance further sets out that affordable housing units provided on site should be fully integrated into the development and be visually indistinguishable from market housing, with an approximate density of 30 units per hectare.

2.10.4 Policy 2 sets out affordable housing contributions will not be sought for development proposals for open market housing which involve: fewer than 10 houses in total; remediation of contaminated land; redevelopment of long term vacant or derelict land; or building conversions where it can be demonstrated that the contribution to affordable housing would make the conversion unviable. The Supplementary Guidance provides further clarity on these matters. As per Policy 2 and the Supplementary Guidance, housing developments in the HMA, are expected to provide an affordable housing contribution of 10% of the total number of units proposed. The Supplementary Guidance provides details on how the developer should deliver the affordable units and set out the Council's affordable housing 'credit system', where development can forgo their affordable housing contributions for a site, subject to providing the required number of units on an alternative development site.

2.10.5 The application proposes a total of 211 units, with 45 of these to be provided as affordable housing units (21%). The affordable housing units would be contained within the south western corner of the site, comprising a mix of two, three and four bedroom flats and

dwellinghouses. Kingdom Housing Association have provided their support for the affordable housing proposals. Fife Council's Housing Service have advised that the proposed development has been included within the Council's current Strategic Housing Investment Plan (SHIP), with the proposed housing mix reflecting the identified need in the local area. The proposed affordable housing units would appear undistinguishable from the proposed market units. Whilst the proposed affordable units would not be spread out throughout the site, as recommended within the Supplementary Guidance, the Planning Authority recognise that grouping the affordable units together allows for easier management (including landscape maintenance) for the housing association. Overall, the affordable housing proposals are considered to be acceptable.

2.10.6 As required by Policy 2 of FIFEplan (2017) and Supplementary Guidance on Affordable Housing (2018), with Kinglassie identified as an 'urban' area, the proposed residential development would be required to provide an affordable housing contribution of 10%; 21 units. The application proposes a significant number of additional affordable housing units above the 10% which is required for the HMA. Whilst the Council does make use of a 'credit system', Housing Services have advised that they previously discussed this affordable housing proposal with the applicant in addition to the applicant's proposed development in Coaltown of Balgonie, with the Housing Services advising that they would not accept additional affordable housing units in Kinglassie in exchange for a reduced requirement in Coaltown of Balgonie given the distance between the two settlements.

2.10.7 The Housing Service has advised that the preference would be for the land proposed for the affordable housing element to be transferred to Fife Council or partner RSL for them to develop the affordable units themselves. The alternative approach would be for the developer to build the units themselves for Fife Council or partner RSL; the affordable units would then be transferred at an agreed price to Fife Council or partner RSL for onward management and maintenance.

2.10.8 If this application is approved, it is recommended that a legal agreement be entered into between the developer and Fife Council to secure the affordable housing contribution prior to the decision notice being issued. Additionally, in the event this application is approved, it is recommended that a planning condition be used to secure a phasing plan to ensure the affordable units are delivered timeously alongside the market units. Subject to the provisions of the legal agreement the proposal is considered to comply with the relevant policies of the Adopted NPF 4 and the FIFEplan Local Development Plan.

2.11 DEVELOPER CONTRIBUTIONS

2.11.1 NPF4 (2023), Policies 1 and 4 of FIFEplan Local Development Plan (2017), Fife Council's Planning Obligations Framework Policy Guidance (2017) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements, apply with regard to the planning obligations required of developments.

2.11.2 NPF4 (2023) Policy 18 (Infrastructure First) seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. It requires that the impact of a development proposal on infrastructure should be mitigated with development proposals only supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on

infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

2.11.3 Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out Scottish Government expectations on the role planning obligations will play in addressing the infrastructure impacts of new development. The circular requires that planning obligations meet all of the five tests as set out in paragraphs 14-25 of the circular. A planning obligation should be necessary to make the proposed development acceptable in planning terms; serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; fairly and reasonably relate in scale and kind to the proposed development and be reasonable in all other respects.

2.11.4 Policy 1, Part B, of the FIFEplan advises that development proposals must mitigate against the loss of infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure. Policy 4 of the FIFEplan advises that developer contributions will be required from development if it will have an adverse impact on strategic infrastructure capacity or have an adverse community impact. Policy 4 also states that developments will be exempt from these obligations if the proposals are for/include affordable housing. Fife Council's Planning Obligations Framework Guidance (2017) advises that planning obligations will be requested by Fife Council as Planning Authority to address impacts arising from proposed development activity consistent with the tests set out in Circular 3/2012. The guidance sets out when planning obligations will be sought, where exemptions will apply and how methodologies will be applied when considering the impacts a proposed development may have on existing infrastructure. The priorities to be addressed are educational provision, transport, affordable housing development, greenspace, public art and employment land. This document, approved by Fife Council's Executive Committee, provides up to date calculations and methodologies with regard to existing infrastructure.

2.11.5 Policy 4 of FIFEplan (2017) and Fife Council's Planning Obligations Framework Guidance (2017) also advises that planning obligations will not be sought for (amongst others) Town Centre redevelopment, development of brownfield sites (previously developed land) or development of affordable housing. The Supplementary Guidance (2017) further sets out that where a proposed development would create a critical infrastructure capacity issue, particularly in terms of the primary school estate, contributions may still be required.

2.11.6 Section 3.3 of Fife Council's Planning Obligations Framework Guidance (2017) sets out that developer contributions will be calculated on the basis of whole sites identified in the Local Development Plan. Applications for parts of allocated sites will pay a proportion of the total site contributions. The matters relating to the impact the proposed development would have on current infrastructure are considered in detail below. The costs, timings and figures set out below are preliminary and subject to finalisation in the drafting of the legal agreement. They are therefore subject to change and officers seek delegated authority to conclude the legal agreement.

2.11.7 DEVELOPER CONTRIBUTIONS: EDUCATION

2.11.8 The Planning Obligations Framework Guidance (2017) advises that new residential developments across Fife will have an impact on the school estate and certain types of development will be required to provide education contributions where there is a shortfall in local

school capacity. These contributions will only be required when the need for additional school capacity is brought about directly through the impact of the development and these obligations will take the form of either direct school and nursery provision or financial contributions towards the cost of creating additional capacity for increased pupil numbers. Developments on derelict land within settlement boundaries are exempt from contributions towards education, unless there is a critical capacity risk at a school in the catchment. Critical capacity is defined as where there is an expected shortage of school places within two years from the date of the education assessment, due to the cumulative impact of development within the relevant school catchment. In these instances, where critical capacity is an issue, the Council may have to refuse an application unless the capacity issue can be addressed through the provision of planning obligations in line with the methodologies included in the Planning Obligations Framework Supplementary Guidance (2017).

2.11.9 This is site Laurence Park South (GLE138), a non-effective site in the Housing Land Audit (HLA) for 211 homes. This planning application is for 211 homes with the first completions expected in 2024 and the last house completions expected in 2028. These values have been used to assess the impact on catchment schools.

2.11.10 The application site is located in the catchment area for: Kinglassie Primary School; St Ninian's Roman Catholic Primary School; Glenwood High School; and St Andrew's Roman Catholic High School. This site is also within the Glenrothes Central and West local nursery area. Projected school pupil numbers and subsequent school capacity risks are based on the impact of known effective housing sites and their expected annual completion rates. Where a planning application proposes development that is different to that detailed in the Housing Land Audit, it is likely that the impact on school places will also be different, particularly where new or previously noneffective sites are progressed, work does not start when expected or more houses are completed each year, even if the same number of houses are built overall. The cumulative impact on school rolls is based on development sites in these catchment areas. In this instance, the 14 dwellinghouse development at Laurence Park North has been considered alongside this application. The impact of this development on local school infrastructure has been assessed by Fife Council's Education Service.

2.11.11 Kinglassie Primary School

At the Pupil Census there were 187 pupils on the school roll organised in 8 classes in accordance with class size regulations. The school has 8 class areas available which provide capacity for a maximum of 224 pupils, only if all classes are 100% full at all stages across the school. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently no capacity risk expected at Kinglassie Primary School.

2.11.12 Glenwood High School

At the Pupil Census there were 878 pupils on the school roll and the school has capacity for a total of 1324 pupils. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently no capacity risk expected at Glenwood High School.

2.11.13 St Ninian's Roman Catholic Primary School

At the Pupil Census there were 132 pupils on the school roll organised in 6 classes in accordance with class size regulations. The school has 6 class areas available which would provide capacity for a maximum of 150 pupils only if all classes are 100% full at all stages across the school. School roll projections, including the expected completion rate of known

housing sites, indicate that there is currently no capacity risk expected at St Ninian's Roman Catholic Primary School.

2.11.14 St Andrew's Roman Catholic High School

At the Pupil Census there were 836 pupils on the school roll and the school has a maximum capacity for 1137 pupils. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently no capacity risk expected at St Andrew's Roman Catholic High School.

2.11.15 Glenrothes Central and West local nursery area

Local nursery areas were approved by Fife Council's Education and Children's Services Committee in September 2019. This site is within the Kirkcaldy East local nursery area. From August 2020 the Scottish Government and Fife Council are committed to increasing the funded entitlement to Early Learning & Childcare for all 3 and 4 year olds and eligible 2 year olds, from 600 hours to 1140 hours. This development site was not factored into the programme to deliver the Scottish Government's expansion of 1140 hours for nursery pupils when implemented in 2016, therefore additional nursery capacity may be required. At the Pupil Census there were 422 children aged 3 and 4 years old attending all nursery provision in this local nursery area. 2.11.16 Based on the available information at this time, this development would contribute to a capacity risk for the local nursery area. This development site was not factored into the programme to deliver the Scottish Government's expansion of 1140 hours for nursery pupils when implemented in 2016. A review of the capacity across the nursery local area has indicated there are insufficient nursery places to accommodate this nursery aged pupils from development. However, in their consultation response to this application, the Education Service have concluded that there may be additional capacity in other nurseries or partner providers to accommodate any new nursery pupils from this development. Therefore, no financial contribution is required to be paid by the developer. The Education Service have requested however that they be notified of any reviews of the build out rate of the development to allow the Service to monitor development progress. This could be secured through a planning condition for a phasing plan.

2.11.17 DEVELOPER CONTRIBUTIONS: OPEN SPACE AND PLAY AREAS

2.11.18 Policy 1 (Part C, criterion 4) of the FIFEplan requires proposals to provide green infrastructure in accordance with the Green Network Map. Policy 3 of FIFEplan (2017) ensures that new development makes provision for infrastructure requirements to support new development; including green infrastructure and green network requirements such as open space and amenity space. As detailed in the Planning Obligations Framework Guidance (2017), open space provides one part of the strategic green infrastructure requirement for a site, it is space designed for people to undertake recreational activity. Green infrastructure also includes structural landscaping, amenity planting, sustainable drainage systems, paths, and community growing spaces. The Planning Obligations Framework Guidance (2017) sets out that where housing proposals seek to make use of existing open spaces and plays rather than provide such facilities on site, a financial contribution of £1,200 per unit towards upgrading existing infrastructure would be required.

2.11.19 Making Fife's Places Supplementary Guidance (2018) sets out that the requirement for open space provision should be assessed on a case by case basis taking into account any existing greenspaces, play areas and sports facilities which may serve the proposed development. If there are existing open space facilities located within easy walking distance, along a safe and attractive route; then it may be more appropriate for a new proposal to

contribute to improvements to existing nearby spaces and facilities rather than providing additional open space onsite.

2.11.20 Making Fife's Places Supplementary Guidance (2018) sets out the open space requirements for developments of more than 200 units located outwith a 500m walking distance of an existing open space, stating that developments are required to provide 60sqm of open space per dwelling on site, with equipped play areas required to be provided. If the development is within 500m (walking route) to an area of equipped play equipment, proposed developments will generally not be required to provide an equipped play area (dependent on the quality of the route); in such instance, a financial contribution will be required to upgrade existing facilities. The open space provided should be able to accommodate informal activities such as play, walking, sitting, picnics, communal gardening, informal sports and recreation.

2.11.21 Making Fife's Places Supplementary Guidance (2018) states that open space needs to be usable space. It will generally be green in character with a significant proportion of soft landscaping although it can include elements of hard landscaped public spaces such as squares and plazas or people friendly (very low traffic) streets and courts. Some elements of SuDS may also be included as part of the open space requirement if they are fully accessible. Open space is space designed for people to undertake recreational activity. This will generally be informal activity such as play, walking, sitting, picnics, communal gardening, social/community gatherings, informal sports and recreation. Open spaces should have paths and routes passing through them but narrow, connecting greenways and corridors should not be included as part of the open space requirement. Amenity planting and structural landscaping would only be included as part of the open space if it is accessible for people to pass through it (such as paths through a woodland). Small areas of greenspace which have limited usage will not be included as part of the open space requirement.

2.11.22 Applying the Making Fife's Places requirements, a development of 211 properties would be required to include 12,660sqm (1.266ha) of useable open space. As a consequence of the proposed pedestrian link to Lochty Park at the western edge of the site, it is calculated that the proposed 45 affordable housing units would be within a 500m walking route of the existing open space and play areas at Sauchie Street and to the south of Lochty Road – the walking route distance from properties within the eastern extent of the application site to these existing spaces would be over 1km. The Planning Authority are therefore willing to partially reduce the on site open space requirements to 10,000sqm if a financial contribution to the upgrade of the existing area were to be provided. The application proposes street trees and landscaping strips throughout the development and whilst such features would contribute to the overall character of the development, per the Supplementary Guidance, these features are not considered to provide useable open space and therefore shall not be considered towards the developer's required contribution. The majority of the open space and play area proposals would be consigned to the south eastern corner of the site, however additional smaller areas are proposed throughout, including 'open courtyard' areas. These additional spaces are considered to be useable and accord with the recommendations of Making Fife's Places. Specified details of the equipment within the proposed play park have not been provided, however a planning condition could be used to secure this information. Conditions also recommended for a phasing plan to be submitted to ensure the play park is delivered at an appropriate stage, and for the pedestrian link to be installed. It is recognised that part of the proposed open space area would be a SuDS detention basin. As the detention basin would be dry, except during periods of prolonged rain when the space would be unlikely to be used in any case, the Planning Authority is prepared to accept the proposed detention basin as an area useable open space. Combined, the open space and play areas would measure approximately 10,900sqm.

2.11.23 Whilst the proposed development would fall short of the 12,660sqm open space recommendation for a development of the size proposed, the Planning Authority is prepared to accept a shortfall on this occasion given the proposed pedestrian link to Lochty Park would ensure the site is readily accessible from existing open space and play areas. A financial contribution to address the on site open shortfall will be required. With a per unit contribution of £1,200 required when a development is unable to provide the required on site open space infrastructure (per, Planning Obligations Framework Guidance (2017)), a total contribution of £34,800 has been calculated as follows:

$12,660$ (open space requirement (sqm)) – $10,900$ (open space proposed (sqm)) = 1760 (open space shortfall (sqm))

$1760 / 60$ (per unit requirement) = 29.33 (open space shortfall (residential units))

$29 \times 1,200$ (per unit requirement (£)) = $34,800$

Subject to the recommended conditions and securing a financial contribution, the application is considered to be acceptable, in accordance with Policies 1 and 3 of FIFEplan (2017), Planning Obligations Framework Guidance (2017) and Making Fife's Places Supplementary Guidance (2018).

2.11.24 DEVELOPER CONTRIBUTIONS: PUBLIC ART

2.11.25 Policy 4 of the FIFEplan states that a contribution towards on-site public art will be sought in relation to major and prominent housing and retail proposals. Further guidance regarding this is set out in the Planning Obligations Framework Guidance (2017) and Making Fife's Places Supplementary Guidance (2018). The Planning Obligations Framework Guidance (2017) and Making Fife's Places Supplementary Guidance (2018) state that contributions will be sought from major applications for housing. In these cases, the required contribution would be £300 per market unit. This includes market units only, affordable units would be exempt from this requirement. This can be in the form of pieces of physical art, enhanced boundary treatment, enhanced landscaping etc. The Planning Obligations Framework Guidance (2017) sets out that once the financial contributions have been established, the public art element of the development should in general be integrated into the overall design of the proposal rather than providing a sum of money to be spent separately.

2.11.26 Making Fife's Places Supplementary Guidance (2018) advises that public art is about creative activity that takes place in public spaces. Public art may: help to reveal or improve existing features of a local place; refer to our heritage or celebrate the future; be conceptual or highlight a specific issue; lead to a temporary performance, event or installation, or to a permanent product; engage a range of senses including smell and touch; extend the fine arts such as painting or sculpture, or use applied art and design; feature architectural craftwork or bespoke street furniture; extend landscape design into land art, planting or paving schemes; relate to site infrastructure such as bridge design or Sustainable Urban Drainage features; and use technology to project sound, light or images.

2.11.27 Public art that is commissioned for a particular site must be relevant to the context of that location and to its audience - the public or community who occupy, use or see into that space. The main objective of public art is to enhance the quality of a place, so it must be an integral part of the design process for the overall development and considered from the outset. It is closely related to urban design in the consideration of issues and design principles.

2.11.28 No details have been included within the application submission regarding public art proposals, however, there does appear that there is scope for public art features (for example a

sculpture entrance feature) at the north eastern corner of the site. Whilst the lack of information is regrettable, it is considered that it would be appropriate to make use of a planning condition in the event this application is approved to secure a full public art strategy for the site in accordance with Making Fife's Places Supplementary Guidance (2018).

2.11.29 DEVELOPER CONTRIBUTIONS: STRATEGIC TRANSPORT INTERVENTIONS

2.11.30 Policy 4 of FIFEplan recognises that developments may have a cumulative impact on strategic transport infrastructure within their vicinity. It provides a policy mechanism to ensure a proportionate financial contribution can be secured from such developments to fund improvements to the transport network that are necessary to support growth. Fife Council's Planning Obligations Framework Guidance details the assessment of cumulative transport impacts of FIFEplan's growth strategy and sets out the mitigation required to accommodate this growth.

2.11.31 The Planning Obligations Framework Guidance considers the spatial relationship between contributing proposed development types and the identified strategic transport interventions. The greater the distance a development site is from an identified strategic infrastructure improvement, the less it pays. This is a result of the dissipation of traffic throughout the road network and the resultant decrease in impact at any given junction, including those on the strategic network where improvements are required. The methodology considers: a) The number of houses within a proposed development; b) The individual and cumulative impact of proposed developments on the strategic road network; c) Existing traffic impacts on identified interventions; d) The proximity of the development to strategic transport interventions identified as being required to deliver the FIFEplan strategy; and e) The cost of strategic transport interventions.

2.11.32 Figure 3 of the Planning Obligations Framework Guidance indicates obligation costs per house for contributing development within the defined zones of Dunfermline, Kirkcaldy, and Glenrothes. Figure 4 illustrates the defined zones and highlights the location of proposed housing allocations against the location of necessary strategic transport interventions stated in Figure 5. The identification of core, intermediate and outer zones is predicated on the 'gravity model' approach which identified the impact of proposed housing allocations on the strategic road network against the impact of how close a site or site/s are to identified strategic transport interventions.

2.11.33 Within Figure 4 of the Planning Obligations Framework Guidance, the application site lies within both the Kirkcaldy and Glenrothes Intermediate 5km Zones and is therefore required to pay both zone costs to reflect the interrelationship of likely traffic impacts across each zone. Per Figure 3 of the Planning Obligations Framework Guidance, the Intermediate 5km Zone cost for Kirkcaldy is £1,441 per dwelling, with Glenrothes being £288 per dwelling. A total of £1,729 (index linked) per dwelling, excluding affordable housing units, is therefore required to be paid by the developer towards the transport fund. A total contribution of £287,014 (index linked) would therefore be required. In the event that this application is approved, to secure the contributions towards strategic transport interventions that would be required for this development, it is recommended that a legal agreement be entered into before the decision is issued.

2.11.34 DEVELOPER CONTRIBUTIONS: OTHER INFRASTRUCTURE CONSIDERATIONS

2.11.35 Several objections to the application have raised concern that the development could impact on local health services, with NHS Fife also advising that the Leslie and Cardenden GP

Practices which cover Kinglassie are having sustainability issues and struggling to recruit staff. The Planning Authority has since advised the NHS that the matters raised are not matters which are able to be taken into account during the assessment of a planning application. Planning is primarily concerned with land use and the site is allocated for housing in the current land use plan for Fife (the Local Development Plan, FIFEplan). Therefore, there is no requirement for this site to set aside any land for a health centre. There is no requirement within the Adopted FIFEplan or Planning Obligations Framework Guidance for a financial contribution to be made towards healthcare provision. Securing this contribution through a Planning Obligation would not be in accordance with the tests of Circular 3/2012 Planning Obligations and Good Neighbour agreements. The staffing issues identified are for the NHS and/or individual practices to resolve. On this basis, no contributions are sought towards healthcare.

2.11.36 Subject to the provisions within the proposed legal agreement to secure the necessary obligations the proposal is considered to comply with the relevant policy requirements as set out in the Adopted NPF4 and FIFEplan Local Development Plan as noted and discussed above.

CONSULTATIONS

Urban Design, Planning Services	Comments provided.
Structural Services - Flooding, Shoreline And Harbours	No objections.
TDM, Planning Services	Comments provided. Conditions and Legal Agreement recommended.
Housing And Neighbourhood Services	No objections. Proposed mix acceptable. Units should be secured.
Parks Development And Countryside	Comments provided.
Scottish Environment Protection Agency	No objections.
Scottish Water	No objections.
Natural Heritage, Planning Services	Comments and advice provided.
Land And Air Quality, Protective Services	No objections. Conditions recommended.
Environmental Health (Public Protection)	No objections. Decision for Planning Authority on whether closed window solution acceptable.
Transport Scotland	No objections.
NatureScot	No objections.
NHS Fife	No objections.
Policy And Place Team (Central Area)	Comments provided.
Asset And Facilities Management (Sustainability Team)	No comments.
Education (Directorate)	Comments provided.
The Coal Authority	No objections. Conditions recommended.
Transportation And Environmental Services - Operations Team	No comments.

REPRESENTATIONS

A total of eleven individual objections, including one submitted by the Kinglassie Community Council as a statutory consultee, and one support comment have been received in response to this application.

The concerns raised in the submitted objections, and the Planning Authority's response to these, are summarised below.

The submitted support comment simply provides a general support for the development. A concern was raised regarding the validity of the support comment and after being made aware, the case officer decided to remove the support comment from the online planning portal however it is still considered to be appropriate to bring to the attention of the Committee that a support comment was received.

1. Kinglassie unable to accommodate additional housing
 - The site is allocated for development in FIFEplan (2017). See Section 2.2 of this report for further information.
2. Kinglassie and B921/B922 junction unable to accommodate additional traffic from development
 - This matter is fully discussed in Section 2.5 of this report.
3. Loss of agricultural land
 - The site is allocated for development in FIFEplan (2017). See Section 2.2 of this report for further information.
4. Coal mining history of site
 - A coal mining risk assessment has been submitted as part of the application. The Coal Authority have confirmed that they have no objection to the proposed development.(Sections 2.7.5-7)
5. Lack of capacity at local schools and nursery
 - Fife Council Education Service have confirmed that there is sufficient capacity within local schools.(Sections 2.11.10-15)
6. Lack of health care facilities/staff in local area
 - The staffing of health care facilities in the local area is for the NHS to resolve and it would not be appropriate for the Planning Authority to consider these matters during the assessment of this planning application.
7. Proposed development will lead to increase in flood risk - surface water discharging to burn
 - The application has been supported by a FRA and drainage calculations which confirms that fluvial and pluvial flood risk would be adequately managed on site, whilst also ensuring flood risk would not increase downstream. (Section 2.6)
8. Proposed development will lead to increased risk of road traffic accidents
 - The proposed development includes improvements to the B921/B922 junction to accommodate the increase in road traffic, whilst also facilitating an extension of the 20mph limit on entry to the village.(Road safety and transportation issues are addressed in section 2.5)

9. Lack of local amenities and shops in Kinglassie

- This is not a matter which could be directly addressed by the development. There is no requirement within the FIFEplan (2017) site allocation for the development to include retail or other commercial facilities.

10. Transportation Assessment data gathered at time of Covid restrictions - not accurate

- The Transportation Assessment is also informed by TRICS data. The information presented within the assessment is considered to be acceptable.(Section 2.5)

11. Proposed development would give rise to cumulative impacts with other recently approved developments

- The Planning Authority are satisfied that the proposed development, which is allocated in FIFEplan (2017), would not give rise to adverse cumulative impacts, with the cumulative impacts on existing infrastructure considered through the site allocation process.

12. Proposed development would give rise to overshadowing issues for existing properties

- This matter is fully discussed in Section 2.4 of this report.

13. Proposed development would give rise to privacy issues for existing properties

- This matter is fully discussed in Section 2.4 of this report.

14. Proposed development would give rise to noise and light pollution issues

- This matter is fully discussed in Section 2.4 of this report.

15. Proposed layout detailed on submitted plans differ from plans presented at public consultation stage

- This is common practice, with the development proposals continuously evolving at earlier stages in the design process to take account of site constraints and public comments.

16. Loss of view

- This is not a material planning consideration.

17. Greater clarity on proposed boundary treatments required

- Further information has been submitted by the applicant which details the proposed boundary treatments.

18. Possibility for developer to provide landscape screen and new boundary treatments for Hill View properties

- It is not considered appropriate for the Planning Authority to insist that the developer provide such a feature.

19. Proposed footpath retaining wall would lead to loss of daylight

- This matter is fully discussed in Section 2.4 of this report.

20. Proposed B921 footpath would lead to loss of privacy and overlooking

- This matter is fully discussed in Section 2.4 of this report.

21. Affordable units tightly grouped together

- The design and layout of the proposed affordable units is considered to be acceptable. See Section 2.3 of this report for further information.

22. Affordable units would not be 'affordable' to members of the public
- The proposed affordable units would meet the definition of affordable housing as defined with the Council's Affordable Housing Supplementary Guidance, with the units to be managed by a Registered Social Landlord – Kingdom Housing.

23. Lack of amenities and organised groups/activities for children in village
- It is not considered appropriate for the Planning Authority to insist that the developer resolve this issue as it is not a land use planning issue.

24. Direct access to Plots 2-10 and 165 would lead to road safety impacts
- The proposed driveways would support the reduction of the speed limit of this part of the road to 20mph.(section 2.5)

CONCLUSIONS

The proposal is considered to be acceptable and to comply with Policies 1, 3, 4, 9, 12, 14, 15, 16,18, 20, 21, 22, 23 of NPF4, Policies 1, 2, 3, 4, 5, 10, 11, 12, 13 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), Affordable Housing Supplementary Guidance (2018), Planning Obligations Framework Guidance (2017) and relevant National Guidance and Fife Council Guidelines. The proposal is in-keeping with the development framework and policy requirements for the allocated development site. The proposal is compatible with the area in terms of land use, design and scale and will not cause any detrimental impact to the amenity of the surrounding area, and is therefore considered to be acceptable.

RECOMMENDATION

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

The conclusion of a legal agreement relating to

-A contribution towards Strategic Transport Interventions Measures in line with the Adopted FIFEplan (2017) and Planning Obligations Framework Guidance (2017)

- A contribution towards open space and play infrastructure in Kinglassie in line with the Adopted FIFEplan (2017), Making Fife's Places Supplementary Guidance (2018) and Planning Obligations Framework Guidance (2017)

-The provision of 45 affordable housing units on the site.

and the following conditions and reasons:

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

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

2. No more than 205 of the residential units hereby permitted to be constructed at the site shall be occupied until a continuous footpath/cyclepath connecting the footpath/cyclepath network

within the site to Lochty Park in place. The finalised route and design for the footpath/cyclepath connection shall be agreed in writing by the Planning Authority prior to the occupation of the 105th residential unit.

Reason: In the interests of pedestrian connectivity and access to areas of open space.

3. PRIOR TO ANY WORKS COMMENCING ON SITE, a public art strategy including the details of the proposed items of work relating to this strategy shall be submitted for the written approval of Fife Council as Planning Authority. The strategy shall demonstrate that the value of the works contributing to the public art strategy shall meet the terms of the Council's Guidance on Public Art in terms of the financial value of the items of work. The strategy shall propose a scheme of public consultation which shall involve a local community group or groups (if available) and shall include a phasing timescale for the implementation of the public art works. Thereafter the public art works shall be carried out entirely in accordance with the details and phasing approved under this condition and will be maintained for the lifetime of the development by the applicant or other agreed party.

Reason: In the interests of good placemaking; to ensure a strategy for deploying the financial contribution towards public art is agreed.

4. 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.

5. BEFORE ANY 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.

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

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

- Prior to occupation of the 20th dwelling within the site, the 20 metres left turn lane on the B922 arm of the B922/B921 junction, including street lighting shall be provided. A 2 metres prospectively adoptable grass verge shall be provided adjacent to the carriageway kerb.
- The works within the site shall not encroach into the existing adopted grass verge on the B922 frontage of the site. Side slopes adjacent to the public road boundary shall be no steeper than 1 in 2.
- Prior to occupation of the 10th dwelling within the site, the relocation of the 20/40mph speed limit to the east of the proposed eastern site access, including the provision of a gateway scheme and extension of the street lighting to include the B922/B21 junction.

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

7. PRIOR TO ANY WORKS COMMENCING ON SITE, a revised site plan shall be submitted for the written approval of the Planning Authority and shall include the below amendments to PL003-M (Planning Authority ref. 03C). All roads and associated works shall thereafter be constructed per the approved plan and in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G) to a standard suitable for adoption.

- The two middle 'red' junctions on the eastern north-south street shall be formed as raised tables. Ramps shall be formed in HRA, not concrete blocks.
- The path to the rear of plots 154 - 157 shall be a 3 metres wide shared path.
- The carriageway fronting plots 64 - 69 and 135 - 138 and pinch point fronting plot 160 shall be widened to accommodate vehicle manoeuvres to/from the adjacent off-street parking spaces.
- Footways within the site shall be amended to ensure they do not terminate at a parking space and do not direct pedestrians into the carriageway.
- The proposed use of coloured asphalt in prospectively adoptable roads shall be deleted.
- Street trees within landscaped areas shall be protected by a 100mm upstand kerbs and not be considered for adoption.
- The path fronting plots 35 - 38 and blocks 44 - 55 shall be extended to meet the footway fronting plot 39 and widened to 2 metres to a prospectively adoptable standard.
- A 2 metres wide footway shall be provided on the western and southern frontage of the affordable flats; crossing to the south side of visitor parking spaces 25 and 26; continuing westwards to a pedestrian crossing point south of plot 147.

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

8. Prior to occupation of the first dwelling, visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level at all road junctions, excluding with the B921, 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 road junctions within the site.

9. Prior to occupation of the first dwelling, visibility splays 2.4 metres x 43 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of both access roads with the B921 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.

10. Prior to the occupation of each dwelling with allocated car parking, the off-street parking provision within the plot or within the private car parks shall be provided in accordance with the

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

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

11. All garages adjacent to dwellinghouses shall be located at least six metres from the road boundary and all driveways in front of dwellings shall have a minimum length of six metres from the road boundary.

Reason: In the interest of road safety; to ensure the provision of adequate space for vehicles to stand clear of the public road.

12. All prospectively adoptable roads and associated works serving the development 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.

13. All roadside boundary markers shall be maintained at a height not exceeding 600mm above the adjacent road channel level throughout the lifetime of the development.

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

14. PRIOR TO ANY WORKS COMMENCING ON SITE, details of wheel cleaning facilities shall be submitted for the written approval of this planning authority and shall thereafter be available throughout the construction period of the development so that no mud, debris or other deleterious material is carried by vehicles onto the public roads.

Reason: In the interest of road safety; to ensure the provision of adequate wheel cleaning facilities.

15. Prior to the occupation of any of the residential properties, street lighting and footways (where appropriate) serving the property shall be formed and operational to the satisfaction of this Planning Authority.

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

16. PRIOR TO ANY WORKS COMMENCING ON SITE, details of the proposed phasing of the development, including landscaping, earth bunding, tree and hedgerow planting and provision of open space and play equipment shall be submitted for the prior written approval of Fife Council as Planning Authority.

Reason: In the interests of the proper planning of the development and to ensure landscaping works are completed at an appropriate stage in the development of the site.

17. All landscaping works, earth bunding, tree and hedgerow planting and provision of open space shall be implemented in a phased manner agreed by the Planning Authority under the

terms of Condition 16 above, and shall be implemented in full prior to the occupation of the 210th residential unit on the site.

Reason: To ensure landscaping works are completed at an appropriate stage in the development of the site.

18. As soon as possible after each of the phases of the development is completed (except for the last or final phase, in respect of which notice shall be given under section 27B(1) of the Act) the person who has completed any phase shall give written notice of the completion of that phase to the planning authority.

Reason: To accord with section 27B(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

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

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

20. 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 19. 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.

21. 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.

22. No development shall commence on site until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure all land instabilities arising from mine entries and unrecorded shallow coal mining legacy within the site are dealt with.

23. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure all land instabilities arising from mine entries and unrecorded shallow coal mining legacy within the site are dealt with.

24. PRIOR TO ANY WORKS COMMENCING ON SITE, the developer shall submit details and specifications of the protective measures necessary to safeguard the retained trees adjacent to the site during (demolition) (development) operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the 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.

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

25. PRIOR TO ANY WORKS COMMENCING ON SITE, samples of the external construction materials finishes of the dwellings (in particular relating to the roof, windows and walls) and roads, driveways and footways shall be submitted to and agreed in writing with the Council as Planning Authority. Thereafter the dwellinghouses shall be constructed and finished in full accordance with the agreed samples prior to occupation.

Reason: To define the terms of this permission and ensure that the dwellinghouses are in-keeping with the character of the surrounding area.

26. 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.

27. PRIOR TO THE COMMENCEMENT OF WORKS, full details of the noise mitigation measures for the properties specified within the noise impact assessment as requiring noise mitigation to attenuate external noise shall be submitted for the prior written approval of the Planning Authority. The approved mitigation measures shall be fitted prior to the first occupation of each dwelling.

Reason: In the interest of residential amenity; to ensure the dwellinghouses are not adversely impacted by road traffic noise.

28. PRIOR TO THE COMMENCEMENT OF WORKS, full details, including elevations and surface mass density, of the acoustic barriers specified within the noise impact assessment shall

be submitted for the prior written approval of the Planning Authority. The approved acoustic barriers shall be fully constructed prior to the occupation of the associated residential units.

Reason: In the interest of residential amenity; to ensure the dwellinghouses are not adversely impacted by road traffic noise.

29. PRIOR TO ANY WORKS COMMENCING ON SITE, details, including scaled elevations, of all external boundary treatments shall be submitted to and agreed in writing with the Council as Planning Authority. Thereafter the external boundary treatments shall be constructed and finished in full accordance with the agreed details prior to occupation of the relevant residential units.

Reason: To define the terms of this permission and ensure that the boundary treatments are in-keeping with the character of the surrounding area.

30. PRIOR TO ANY WORKS COMMENCING ON SITE, details of the ancillary structures and play equipment associated with the equipped play area shall be submitted for the written approval of the Planning Authority. Thereafter, the ancillary structures and play equipment as approved shall be provided on site and available for use in accordance with the agreed phasing plan.

Reason: To ensure sufficient play equipment to service the development is provided on site.

31. PRIOR TO ANY WORKS COMMENCING ON SITE, a maintenance and aftercare strategy for the equipped play area shall be submitted for the written approval of the Planning Authority. Thereafter, the equipped play area shall be maintained in accordance with the approved strategy for the lifetime of the development.

Reason: To ensure the equipped play area is suitably maintained.

32. All tree and vegetation removal associated with this development shall be undertaken outwith the bird breeding season of 1 March to 31 August of any calendar year unless the site is first surveyed by a suitably qualified person and the findings, and any associated mitigation, have been submitted to, and approved in writing by, Fife Council as Planning Authority.

Reason: In the interests of safeguarding nesting birds.

33. Unless otherwise agreed in writing with the Council as Planning Authority, the approved surface water drainage scheme as detailed in approved documents shall be implemented in full PRIOR TO THE OCCUPATION OF ANY DWELLING and thereafter maintained in full working order for the lifetime of the development.

Reason: In the interests of ensuring appropriate handling of surface water.

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 and Legislation:

PAN 1/2011: Planning and Noise

PAN 2/2010: Affordable Housing and Housing Land Audits

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

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Scottish Government Designing Streets (2010)

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)

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

Development Plan:

National Planning Framework 4 (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

Affordable Housing Supplementary Guidance (2018)

Planning Obligations Framework Guidance (2017)

Other Guidance:

Fife Council Transportation Development Guidelines

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

Fife Council Planning Customer Guidelines on Garden Ground (2016)

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

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

Fife Council Strategic Housing Investment Plan 2023/24 - 2027/28

Fife Council Housing Land Audit 2022

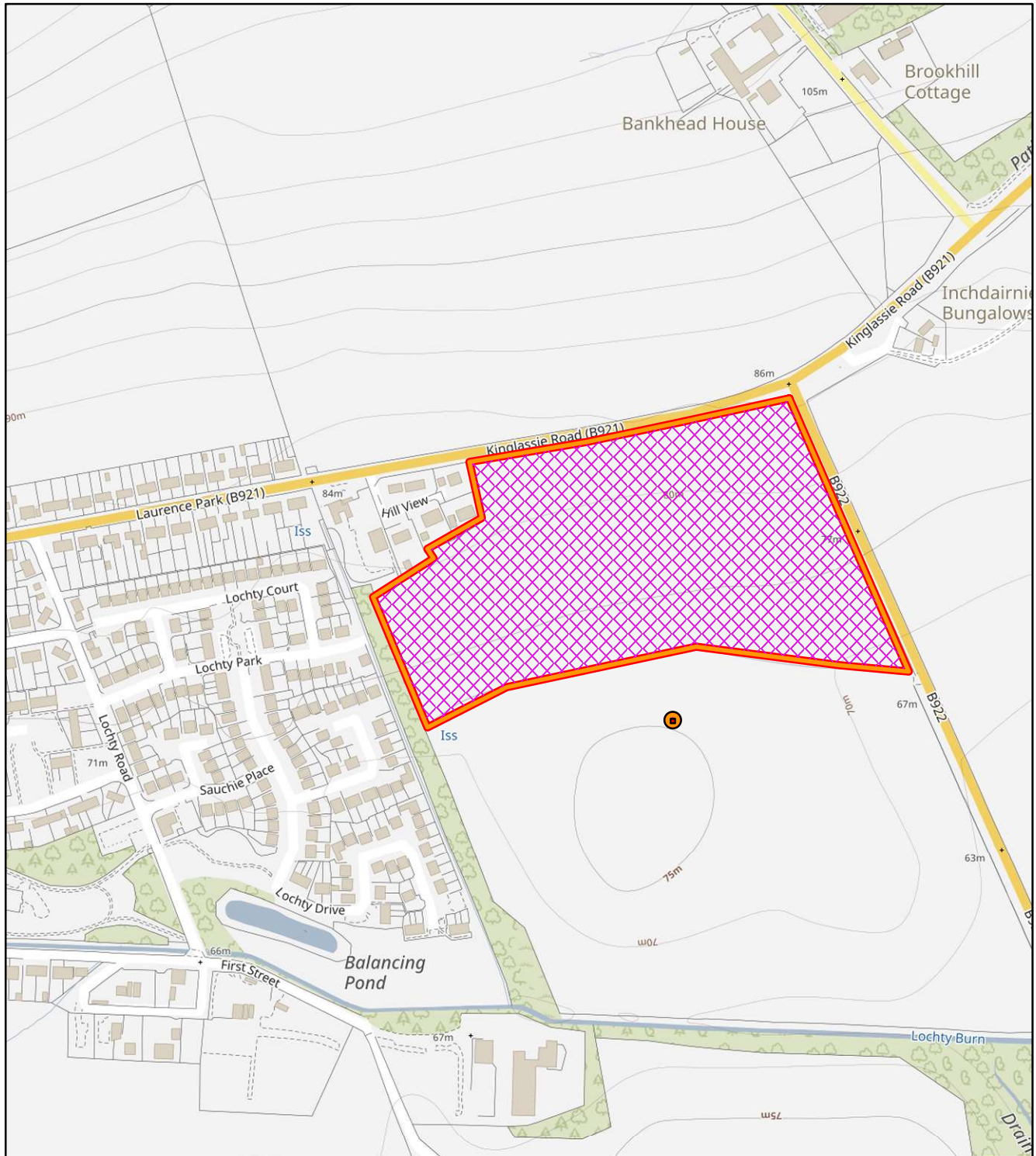
Report prepared by Bryan Reid, Lead Professional

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead)6/03/23

Date Printed 03/03/2023

22/01021/FULL

Land To South Of Hill View Kinglassie



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 7

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/02635/FULL

SITE ADDRESS: LAND TO NORTH OF KENT STREET DUNFERMLINE

PROPOSAL : ERECTION OF 59 HOUSES, FORMATION OF NEW ACCESS, PROVISION OF OPEN SPACE, RELATED INFRASTRUCTURE INCLUDING SUDS BASIN, WITH RELATED WORKS

**APPLICANT: LOCHAY HOMES LTD
28 STAFFORD STREET EDINBURGH SCOTLAND**

**WARD NO: W5R02
Dunfermline North**

CASE OFFICER: Katherine Pollock

DATE REGISTERED: 18/10/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

This is a major development in terms of the Town and Country Planning (Hierarchy of Development) 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.

The Scottish Government voted to approve National Planning Framework 4 on 11th January 2023, with it being formally adopted on 13th February 2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places. The Chief Planner issued a formal letter on 8th February 2023, which provides further guidance on the interim arrangements relating to the application and interpretation of NPF4 prior to the issuing of further guidance by Scottish Ministers. This letter advises that local development plans which are already adopted will continue to be part of the development plan and that for avoidance of doubt, existing LDP land allocations will be maintained.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date through Local Development Plans and further guidance and advice. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most detailed expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

Having assessed the current application against the policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.0 BACKGROUND

1.1 Site Description

1.1.1 The application site extends to approximately 4 hectares, comprising former agricultural land on the northern edge of Dunfermline, to the south west of Townhill. The site is bound by Townhill Road to the south east, Townhill Country Park to the north, the access to the Country Park to the north east and an existing footpath to the west. The Broomhead Burn runs along the northern boundary of the site. The existing footpath which forms the western boundary of the site is a core path which provides a connection from Chamberfield Road into Townhill Country Park. Beyond the Core Path to the west is another agricultural field which is allocated for residential development within the adopted FIFEplan (DUN 046 Chamberfield Road) with an estimated capacity for 40 units. To the south the site bound by the rear gardens of residential properties on Kent Street. These houses are slightly elevated above the site, with the site falling in a northerly direction away from these properties. Townhill Road is also elevated above the majority of the site to some degree. Within Townhill Country Park to the immediate north of the site there an area of grassland with informal footpaths and a row of trees and dense vegetation which run conterminously with the application site boundary. Beyond this is Town Loch and the Scottish National Water Ski Centre with associated car park.

1.1.2 Within the application site itself, there is a pylon and associated overhead lines which run over the north east corner of the site. The site largely comprises natural grassland with areas of scrub around the boundaries and an area of marshy grassland in the north east corner. There are sections of hedgerow along the site frontage with Townhill Road and on the north east boundary. There is a group of four sycamore trees situated to the south east corner of the site with Townhill Road.

1.1.3 The site falls in a northerly and westerly direction. The high point of the site is at the south

east corner adjacent to Townhill Road where the site is at 140.5m Above Ordnance Datum (AOD). The southern boundary of the site falls in a westerly direction with the south west corner being around 131.5m AOD. The low point of the site is the north west corner which is at 123.5m AOD and the north east corner is 130.4m AOD.

1.1.4 The site is allocated for residential development within the adopted FIFEplan 2017 (site reference: DUN038 Kent Street) with an estimated housing capacity of 80 units. The site is part of the North Dunfermline Strategic Development Area also covers 7 other sites across the north of Dunfermline and has an overall estimated housing capacity of 2850 units.

1.2 Proposal

1.2.1 The proposed development comprises the erection of 59 residential units, formation of a new access, open space and related infrastructure including SUDS and associated works. The development would predominantly comprise two storey semi-detached units however, there would be fifteen bungalows largely located to the rear of the site. 16 affordable units are proposed including a mix of two storey flats (cottage flats), terraced and semi-detached units. The units would be located at the west end of the site. The area at the north east of the corner would be retained as open space and planted with trees and shrubs and include informal footpaths. The area under the power line would not be developed. Road access would be taken from Townhill Road with the development set around the route through the site. The road through the site continues to the western boundary where it ends at a turning head. A SUDS basin is proposed at the north west corner of the site.

1.2.2 The development is set back from the northern boundary by 10 metres for most of the site although this reduces to around 7m for two plots at the north east and this boundary would be landscaped. The development would also largely be set back from the properties at Kent Street with landscaping being provided between the proposed residential units and existing properties. Residential units are also proposed along Townhill Road.

1.3 Planning History

1.3.1 The site is subject to planning permission for a development of 92 residential units, access, landscaping and associated development (ref: 18/03293/FULL). The application was refused by the Central and West Planning Committee on 3rd July 2019 contrary to the Officer's recommendation. There was one reason for refusal which stated as follows:

"1. In the interests of visual amenity and good design, the proposal is considered to be overdevelopment of the site in that too many units are proposed for the developable area of the site resulting in the development being too high in density and lacking in green space, vegetation and garden ground around the dwellings with the green space being concentrated in one area of the site remote from the residential properties. The development is not suitable in design and density for this site. With this the proposal would not accord with the six qualities of place making and is considered to be contrary to Policies 10 and 14 of the Adopted FIFEplan (2014), Making

Fife's Places Supplementary Guidance (2018), Fife Council's Planning Customer Guidelines on Garden Ground (2007) on and Designing Streets (2014)."

1.3.2 Planning permission was granted on appeal on 18th June 2020 subject to 42 conditions and a Section 75 legal obligation requiring the provision of affordable housing and contributions towards St Margaret's Roman Catholic Primary School, Dunfermline Secondary School solution, strategic transport interventions, Townhill Primary School and the upgrading of the Whitefield Road/ Halbeath Road/ Linburn Road junction plus Halbeath Road improvements.

1.3.3 The application site is part of the North Dunfermline Strategic Development Area. Of most relevance to this site is the planning permission for residential development (approximately 1,400 residential units) including land for education, retail, employment and community facilities, with new roads and associated infrastructure, and including demolition of existing buildings at Wester Whitefield Farm (ref: 17/01677/EIA). This forms the Halbeath part of the SDA (FIFEplan allocation DUN 043 Halbeath) and includes the first phase of the Northern Link Road which will link into Townhill Road to the north east of the application site.

1.4 Procedural Issues

1.4.1 The proposed development comprises more than 50 residential units and therefore, falls within the Major Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. The applicant has carried out the required pre-application consultation through holding a public information event (ref: 22/00624/PAN). A Pre-Application Consultation Report outlining comments made by the public has been submitted as part of this application. The manner of the consultation exercise, including the notification and media advertisement process, complied with the relevant legislation. This included an online consultation where the public could view details of the proposed development and make comments via the applicant's website. An interactive online public consultation event was also held on 27th April 2022. The events were advertised in the Dunfermline Press on the 14th April and 9th June respectively. The applicant also met with Townhill and Bellyeoman Community Councils.

1.4.2 The application was advertised in the local press on 27th October 2022 for neighbour notification purposes.

1.4.3 The Case Officer carried out a site visit during the assessment of the planning application.

2.0 EXECUTIVE SUMMARY

2.0.1 The application seeks full planning permission for the erection of 59 residential units, formation of a new access, open space and related infrastructure including SUDS and associated works. The site is allocated for residential development within the adopted FIFEplan 2017 (site reference: DUN038 Kent Street) with estimated housing capacity of 80 units. The site is part of the North Dunfermline Strategic Development Area also covers 7 other sites across the north of Dunfermline and has an overall estimated housing capacity of 2850 units. It is subject to planning permission for a development of 92 residential units, access, landscaping and associated development (ref: 18/03293/FULL).

2.0.2 The principle of residential development on the application site is acceptable in accordance with NPF 4 Policies 9 and 16 and FIFEplan Policies 1 and 2. The proposal meets the requirements of the site allocation for housing in the adopted FIFEplan 2017 (site ref: DUN 038: Kent Street).

2.0.3 The proposed development is considered acceptable in design, layout, scale, density and form. The proposed layout incorporates the principles of Designing Streets and good place making and is acceptable taking into account the site constraints in terms of both shape and topography. The layout is permeable by all modes of transport and connects well to the surrounding area. Footpaths are proposed to Townhill Country Park and wider area. The proposed areas of open space at the north east end of the site and the creation of a play area in the centre of the site would create an attractive environment for future residents. Strong design features and detailing are proposed throughout the site in the form of planting and layout. The development relates well with the existing built form adjacent to the site and would create a pleasant environment which meets the six qualities of place making in accordance with NPF 4 Policy 14 and FIFEplan Policies 10 and 14.

2.0.4 In relation to road and transport matters, the proposed development would provide links to local facilities via walking, cycling and public transport. The proposal incorporates measures to reduce vehicle speeds on Townhill Road and within the site layout via the road configuration and use of raised tables. The development would be accessible to a range of users with a number of access points and connections to the surrounding area. Any potential impacts on the road network can be adequately mitigated via contributions. Overall, the proposed development is in accordance with NPF 4 Policy 13 and FIFEplan Policy 3 subject to the transport related conditions plus contributions towards the strategic transport interventions and the upgrade of Whitefield Road/ Halbeath Road/ Linburn Road junction and Halbeath Road improvements.

2.0.5 The proposed development would result in the loss of four trees situated to the south west corner of the application site and a hedgerow on the site frontage with Townhill Road. The four trees are categorised as Category C, all young / early mature sycamore trees which are of a poor to moderate condition. The hedgerow has been assessed as being species-poor and of low biodiversity value. The loss of this limited number of trees and the hedgerow would be more than compensated for by the extensive programme of tree planting proposed throughout the application site and a new hedgerow further north along the site frontage. No protected species have been recorded within the application site. The proposed development would have minimal negative impact on and would enhance the natural heritage assets within the site and therefore, is in accordance with NPF Policies 3 and 6 and FIFEplan Policy 13 subject to conditions.

2.0.6 The proposed development has been assessed against the terms of the development plan and other material considerations in relation to the principle of development, design, visual impact, landscape, open space, garden ground, residential amenity, trees, natural heritage, road network, parking, air quality, contaminated land, flooding, drainage, education, affordable housing, public

art, archaeology and sustainability. In all aspects the proposal fully accords with the Development Plan and other material considerations subject to conditions and a legal obligation requiring contributions towards affordable housing, road infrastructure improvement and to address education capacity issues.

2.1 PLANNING ASSESSMENT

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

- Principle of Development
- Design and Visual Impact
- Garden Ground, Open Space and Landscaping
- Road Network and Parking
- Residential Amenity
- Natural Heritage and Trees
- Contamination, Land Stability and Air Quality
- Flooding and Drainage
- Archaeology
- Affordable Housing
- Education
- Public Art
- Sustainable Development

2.3 Principle of Development

2.3.1 NPF 4 Policy 9 states that proposals on greenfield sites will not be supported unless the site has been allocated for development. NPF 4 Policy 16 a) reiterates this emphasising support for new homes on land allocated for housing in Local Development Plans. NPF 4 Policy 16 b) advises

that proposals for 50 or more homes should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to: i. meeting local housing requirements, including affordable homes; ii. providing or enhancing local infrastructure, facilities and services; and iii. improving the residential amenity of the surrounding area.

2.3.2 FIFEplan Policy 1: Development Principles states that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Part A (1) states that the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the LDP. Part B requires development proposals to address their impact by complying with a number of criteria and supporting policies. Of relevance to this application is (1) Mitigate against the loss of infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure; (8) Avoid flooding and impacts on the water environment and (9) Safeguard or avoid the loss of natural resources. Part C requires proposals to demonstrate compliance with the various FIFEplan supporting policies. These individual policies are considered in greater detail in the assessment of the proposal in the sections below.

2.3.3 FIFEplan Policy 2: Homes states that residential development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply on sites allocated for housing. It states that all housing proposals must meet the requirements for the site identified in the settlement plan tables and relevant site brief; and include provision for appropriate screening or separation distances to safeguard future residential amenity. The site is identified in the Fife Housing Land Audit 2022 (DAC 288 Kent Street as an effective housing site.

2.3.4 The application site is designated for housing in the adopted FIFEplan 2017 (site ref: DUN 038: Kent Street), with estimated capacity for 80 residential units. DUN 038 sets out a number of requirements as follows:

- Development design must be co-ordinated with development design for site DUN 046 with a view to access to DUN 046 being taken through DUN 038.
- A Flood Risk assessment must be carried out and a 6m buffer strip between the development and the watercourse is required.
- Consider, through a feasibility study, the potential for restoration and improvement of the water environment through the site design.
- No development should be within 10m of woodland.

In addition, there is a Green Network Priority for the site which is to create high quality landscape and access links into Townhill Country Park and consider the appropriateness of an off-site contribution to enhance the quality of nearby greenspaces. Compliance with the allocation requirements is assessed in the relevant sections of this report below.

2.3.5 The application site is located within the settlement boundary for Dunfermline as defined on the adopted FIFEplan Proposals Map. It comprises residential development on an allocated housing site within the adopted FIFEplan (site ref: DUN 038: Kent Street) which would contribute to meeting strategic housing land requirements and in providing a continuous 5-year effective housing land supply. In accordance with NPF 4 Policy 16 b)i, the submitted Statement of Community Benefit confirms that the proposal would assist in meeting local housing requirements by delivering new homes which would help to meet the needs of the local community including both private market housing and affordable homes as well as incorporating a range of different house types. In relation to NPF 4 Policy 16 b) ii and iii the proposal would provide a new play area and areas of open space incorporating public art. Footpath connections would be provided to Townhill Country Park. Speed reducing measures are proposed on Townhill Road which will be of benefit to road and pedestrian safety. The proposed new green spaces would enhance the residential amenity of the surrounding area with an extensive programme of tree planting and landscaping also proposed within and on the boundaries of the site. Any potential negative impact of the development on local infrastructure and facilities such as the road network and education capacity could be addressed via developer contributions. These are discussed further in Sections 2.6 and 2.13 of this report.

2.3.6 The site is subject to planning permission for 92 homes (ref: 18/03293/FULL) and therefore, the principle of residential use has been established on the site. The proposed development comprises residential development on an allocated housing site with the number of houses proposed is in-keeping with the estimated capacity for the site noted in FIFEplan, therefore, the principle of the proposed development is acceptable and complies with NPF 4 Policies 9 and 16 and FIFEplan Policies 1 and 2 in this regard.

2.4 Design and Visual Impact

2.4.1 Scottish Government Policy Statements Creating Places and Designing Streets both state that an emphasis should be placed on design providing a 'sense of place' and taking cognisance of the context of the surrounding area, design should connect and relate to the surrounding environment. This is mirrored within FIFEplan Policy 14 and Making Fife's Places Supplementary Guidance which require a high quality of design in order to create successful places.

2.4.2 NPF 4 Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Furthermore, development will be supported where it is consistent with the six qualities of successful places.

2.4.3 FIFEplan Policy 14 requires new development to demonstrate good design and show how the proposals adhere to the principles of good place making. Fife Council will apply the six qualities of successful places in order to assess a proposals adherence to these principles. The six qualities

require places to be: distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around.

2.4.4 FIFEplan Policy 10: Amenity states that development proposals must demonstrate that they will not have a significant detrimental impact on amenity in relation to the visual impact on the surrounding area.

2.4.5 The development is set around a single point of access which winds through the site from Townhill Road to the western boundary. The internal road system is fronted along most of its entire length with only small sections having back or side gardens facing the road. The layout is considered to be of appropriate density and is highly permeable and has strong connectivity. While the units are largely standard house types they are set forward towards the road and include side driveways which would help reduce the visual impact of parked cars. The proposal includes shared surfaces, the footways and outward footpath connections promote walking with shortcuts to Townhill Road and Townhill Country Park being provided separate from the road. Nodes are used at prominent junction locations to help to slow down traffic and provide interest in the streets. In terms of the proposed units, it is noted that a variety of 2, 3, and 4 bedroom properties are proposed comprising of two storey properties and bungalows. Variety is created in the layout through the mix of house types, planting, boundary treatments and open spaces.

2.4.6 In terms of the association of the site with the neighbouring land uses it is considered that the site would provide an appropriate relationship and frontage where necessary. On Townhill Road the proposal includes a row of seven detached properties which would continue the existing building line to the south. This would help integrate the site with the existing built form and continue development frontage along Townhill Road to assist with the slowing of vehicles speeds. There is an existing hedgerow along this frontage which would be removed. While the loss of the hedgerow is regrettable, the combination of levels and access needs for these properties means that it would not be possible to retain this. A replacement hedgerow of more diverse species is proposed further east along the Townhill Road frontage. The provision of frontage on Townhill Road from a design and place making perspective would also outweigh retention of the hedgerow. The northern boundary of the site is predominantly comprised of a large area of open space and a buffer with the woodland within the Country Park. Both of these respect the existing context of the site. In terms of the existing neighbouring properties to the south, the houses proposed in this section of the site would sit lower and there would be a tree buffer between those properties and the proposed units. The properties would also largely be situated back-to-back reducing even further any potential overlooking issues. In terms of the western boundary, the existing hedgerow would largely be retained and enhanced with further planting. The units are set back from the hedgerow as well and the SUDS basin would also be positioned adjacent to the hedgerow. This would help retain the nature and feel of the core path behind the hedgerow which exists at present.

2.4.7 The streetscape within the site would be enhanced through the use of hedges as front boundary treatment and the planting of street trees. This would help screen parked cars and provide a pleasant environment for residents. Incidental green space is also provided to reduce the density of the site, providing breaks in the built form and creating a strong sense of place.

2.4.8 A simple palette of finishing materials is proposed including white / cream render, buff facing brick plus grey and red roof tiles. This is considered to be a suitable material mix for the site given the context of the area which includes a mix of house styles and finishes. Units around the node points will provide a different mix or palette of materials to add variety, interest and for wayfinding. Creating defined areas around the nodes will help with the design and layout of the overall site.

2.4.9 The FIFE plan allocation for the site under DUN 038, requires the development design to be co-ordinated with the design for site DUN 046 with a view to access to DUN 046 being taken through DUN 038. There is currently no live or consented application for DUN 046 in order to provide design co-ordination however, the proposed site layout would provide a suitable access into DUN 046 with a possible vehicular and pedestrian connection point provided at the west end of the site. The proposal is therefore, considered to meet this requirement as far as is possible.

2.4.10 The proposed development is considered acceptable in design, layout, scale, density and form. The proposed layout incorporates the principles of Designing Streets and good place making and is acceptable taking into account the site constraints in terms of both shape and topography. The layout is permeable by all modes of transport and connects well to the surrounding area. Footpaths are proposed to Townhill Country Park and wider area. The proposed areas of open space at the north east end of the site and the creation of a play area in the centre of the site would create an attractive environment for future residents. Strong design features and detailing are proposed throughout the site in the form of planting and layout. The development relates well with the existing built form adjacent to the site and would create a pleasant environment which meets the six qualities of place making. The development is therefore in accordance with the Development Plan in this regard.

2.5 Garden Ground, Open Space and Landscaping

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

2.5.2 The proposals include private garden ground for each residential plot which, given the house type mix proposed in this development, varies in size. In most instances the provision of garden ground is generous and exceeds the minimum standard. In a few select plots, it is noted that provision may fall slightly below the minimum. Any breaches of the minimum standard are the exception rather than the rule, and it is accepted that smaller gardens are desirable to occupants who have no interest in maintaining a large garden, or who are unable to. Smaller garden plots can be part of larger mix of house types in order to cater for a diverse market. Therefore, in this instance the provision of garden ground across the development is considered acceptable.

2.5.3 Making Fife's Places Supplementary Guidance requires 60 sq.m of open space to be provided on site per residential unit. For the proposed development, this equates to 3,540 sq.m of open space. Analysis of the submitted proposed site plan has confirmed that the proposed development exceeds this requirement.

2.5.4 In accordance with the Making Fife's Places Supplementary Guidance this development would not require a play area as it is for less than 200 units and is also within walking distance of the Country Park and Townhill Park. The applicant however has proposed to provide a play area on site in lieu of a financial contribution towards any existing facilities. The layout plan shows the location of this however, final details would be required through condition (Condition 16). The proposed condition also specifies that the play equipment should ensure 'play for all'. The Planning Obligations Framework Guidance (2017) outlines that a contribution of £1250 per unit should be provided for offsite play equipment improvements. This should be the equivalent spend for onsite play equipment at this site as well.

2.5.5 The submitted detailed landscaping plans show extensive areas of landscaping throughout the site. This includes extensive tree buffers around the north boundary adjacent to Townhill Country Park and to the southern boundary providing separation between the development and the rear gardens of the existing houses on Kent Street. Tree planting incorporating a range of species and areas of shrubs are proposed throughout the site. There is an existing hedgerow along the site frontage with Townhill Road. This would be removed as part of the proposed development, the submitted Tree Survey confirms that it has limited value. Compensatory hedgerow planting is proposed further east along the site frontage and at the west end of the site. This is in accordance with FIFEplan Policy 3 which requires development to provide green infrastructure and also the green network requirements set out in site allocation DUN 038. Conditions are proposed to ensure that suitable measures will be put in place for the future management and aftercare of the landscaped and open space areas.

2.6 Road Network and Parking

2.6.1 NPF 4 Policy 13 b) states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they: i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation; ii. Will be accessible by public transport, ideally supporting the use of existing services; iii. Integrate transport modes; iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards; v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking; vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles; vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and viii. Adequately mitigate any impact on local public access routes.

2.6.2 FIFEplan Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure in a sustainable manner. This includes

local transport and safe access routes which link with existing networks, including for walking and cycling.

2.6.3 The submitted Transport Assessment (dated November 2018, prepared in support of the approved proposal for 92 units) and the Transport Assessment Addendum (2022) by ECS Transport Planning Limited, confirms that the application site is relatively well served by public transport with the nearest bus stops on either side of Townhill Road adjacent to the north east corner of the site and more stops situated further south of the site along Townhill Road. Local services are provided to destinations within Dunfermline and Dalgety Bay. The site would connect into the surrounding footpath network, including the existing core path to the west. The submitted Assessments state that the application site is within the recommended walking distance of 1,600m to local amenities detailed within PAN 75. Such amenities include Dunfermline Town Centre, Townhill Primary School and Queen Anne High School. The consultation response from Fife Council Transportation Development Management (TDM) notes that the 1,600 metre walking distance does not consider the significant topography differences between the site and the city centre. No part of the city centre (inner core) is within a 20-minute walking distance. However, it is noted that there are a range of local facilities within a 20-minute walking distance of the application site within Townhill itself and on the edge of the city centre. In relation to cycling, the proposed shared cycleway / footway on Townhill Road would provide a direct connection to National Cycle Route 1 to the north of the site at Townhill. Nonetheless, it is considered that the site is well connected given its location and has an acceptable level of access providing opportunities for travel on-foot and via bus or bicycle.

2.6.4 The 2018 Transport Assessment submitted in support of application 18/03293/FULL, assessed the following junctions:

- Site Access/ Townhill Road Priority Junction;
- Townhill Road/ Kingseat Road Priority Junction;
- Chamberfield Road/ Townhill Road/ Kingseat Road Priority Junction; and
- A921 Whitefield Road/ Kingseat Road Priority Junction.

2.6.5 The Transport Assessment carried out a cumulative assessment and considered the trips from both this site and the neighbouring Chamberfield site. It found that all the junctions assessed would operate well below capacity even with this development. The junction with the least capacity would be Townhill Road/ Kingseat Road with this being at 48% of capacity leading to the queuing of 1 car. This is well below its maximum capacity and therefore, it was considered that the development (92 units) would not cause any significant impact on the local road network in this regard. This is also including a cumulative assessment of committed developments in the area and the neighbouring allocation at Chamberfield. The 2022 Transport Assessment Addendum found that the reduced number of residential units now proposed would result in a two-way vehicle reduction of 53 and 61 vehicle trips during the AM and PM peak hours, respectively when

compared to the assessment undertaken previously for the consented development of 92 units. As a result, the traffic associated with this development can be introduced without the need for any additional mitigation.

2.6.6 As set out in the Report of Handling for the previous application 18/03293/FULL, in terms of the wider road network, the 2018 Transport Assessment acknowledges that this site was assessed as part of the FIFEplan Transport Assessment and thereby the Strategic Transport Interventions identified through this assessment are required to accommodate this development. This site does not deliver any of these interventions but instead would be required to pay a contribution towards the implementation of the Strategic Transport Interventions in line with the Fife Council Planning Obligations Framework Guidance. This site does not deliver part of the Northern Link Road, but it would form part of this site's mitigation on its completion. In the short term and prior to the completion of this, consideration is needed as to the impact on the wider road network. The Transport Assessments carried out for application 17/01677/EIA noted that the Whitefield Road/ Halbeath Road/ Linburn Road junction is close to maximum capacity and thereby some improvements to the signals are required there to provide additional capacity. In addition, further works could be done to this road corridor if required. It has been agreed through that planning permission that a section of the NLR would be delivered within Phase 2 in that site given the capacity constraints at the Whitefield Road/ Halbeath Road/ Linburn Road junction. Prior to this NLR section being constructed, other interventions are proposed on the Whitefield Road/ Halbeath Road/ Linburn Road junction to provide additional capacity. These preliminary interventions would be subject of review through that planning permission. This site would add to the cumulative impact on this junction however all the traffic from the site is unlikely to go through this junction. It may be that this site would result in the preliminary interventions for that junction to be delivered earlier when reviewed but it is not considered that this site would cause the junction to exceed its capacity with these interventions in place. The Transport Assessment for 17/01677/EIA indicated that there may be greater capacity for more than 340 units with the interventions in place and it is considered that this site would not result in significantly more trips through the junction as to result in the need for the NLR to be delivered earlier than anticipated. This site would also contribute its proportionate share towards these works (as was the case for application 18/03293/FULL). On this basis, it is considered that the previous assessment of this junction is still valid even with this development.

2.6.7 The traffic surveys undertaken as part of the 2018 Transport Assessment recorded 85th percentile vehicle speeds of 35mph northbound and 39mph southbound on Townhill Road. Therefore, there was a high incidence of speeding along the frontage of the site. The Transport Assessment proposed alterations to assist with slowing vehicles speeds. This included the widening of the footway along the frontage of the site to provide a footway/ cycleway thereby reducing the width of the road, which would also provide betterment for the connectivity of the site and wider cycleway connectivity. A raised table at the access to the site would be provided on the road. These measures are also part of the current proposal, TDM have confirmed that all these measures are still acceptable and note that the existing centre island in front of Plot 6 on Townhill Road would need relocated to avoid conflicting with the proposed driveways. A condition is proposed to address this. The proposed house frontages to Townhill Road and direct driveway access would also assist in slowing vehicle speed on this stretch.

2.6.8 The FIFEplan allocation requirements for the site provide that access to DUN 046 must be taken through DUN 038. The proposed access road through the application site is in accordance with this requirement, with a possible vehicular and pedestrian connection point provided at the west end of the site.

2.6.9 In relation to parking, TDM have advised that the proposed private and affordable dwellings are being provided with the required level of off-street parking provision. 17 visitor parking spaces are being provided within laybys, which is acceptable. In conclusion, TDM confirmed that they have no objection to the proposed development, subject to a contribution towards strategic transport interventions and conditions relating to road works, parking, visibility splays, relocation of the centre island and wheel/road cleaning facilities/ regime.

2.6.10 The proposed development is in accordance with the criteria set out in NPF 4 Policy 13 b); it would provide links to local facilities via walking, cycling and public transport. The applicant has advised that electric vehicle charging points would be provided to buyers who request them. The proposal incorporates measures to reduce vehicle speeds on Townhill Road and within the site layout via the road configuration and use of raised tables. The development would be accessible to a range of users with a number of access points and connections to the surrounding area. Any potential impacts on the road network can be adequately mitigated via the noted contributions. Overall, the proposed development is in accordance with NPF 4 Policy 13 and FIFEplan Policy 3 subject to the transport related conditions as outlined above and in the Recommendation section below plus contributions towards the strategic transport interventions and the upgrade of Whitefield Road/ Halbeath Road/ Linburn Road junction and Halbeath Road improvements.

2.7 Residential Amenity

2.7.1 NPF 4 Policy 23 e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

2.7.2 Adopted FIFEplan Policy 10: Amenity advises that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to a number of factors including noise and construction impacts.

2.7.3 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.

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

2.7.5 The development within the site is largely set back from existing residential properties and thereby there would be no significant detrimental impact on existing residential amenity of neighbouring properties from this development. This includes loss of privacy and sunlight/ daylight. The units at the southern boundary would be closest to the neighbouring properties however the proposed units would sit lower than the existing units. The proposed units therefore could not cause any significant loss of sunlight or daylight for the existing properties. The proposed units would also be set back by at least 9m from the neighbouring gardens and 18m from the existing houses. In addition, a tree buffer is proposed along this boundary.

2.7.6 Within the proposed site, all the properties meet the minimum window to window distances between habitable windows. Due to the rough block pattern of the site layout and the relationship of some of the properties within the site, there is likely to be some overshadowing of some of the proposed gardens from neighbouring proposed properties. This would only be for short periods of the day with most gardens having relatively open aspects and positioned to benefit from a large amount of sunshine and daylight throughout the day. There is unlikely to be any significant impact in this regard and is a consequence of any grouping of properties.

2.7.7 A Noise Impact Assessment by ITP Energised (dated July 2022) has been carried out for the site. This looks specifically at road noise and the impact on the proposed units. The Noise Report notes that the units along the frontage of the site (fronting onto Townhill Road) would exceed the acceptable internal noise limits in an open window scenario. To mitigate this, the applicant proposes to provide these plots with mechanical ventilation and acoustic glazing so that the residents would not need to open their windows if they considered the noise from the road to be unacceptable.

2.7.8 The REHIS guidance states that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided. The guidance specifies exceptional circumstances as 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

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.

2.7.9 In this instance, it is considered that the mechanical ventilation option is acceptable for this site. In terms of the specified criteria, while the site is not brownfield or within the town centre or a transport hub it is at the edge of an established residential area and on established bus routes and close to sustainable modes of transport. The site also is allocated within the Adopted FIFEplan and therefore meets a specific need (housing) within the local development plan. It is also within the Strategic Development Area and therefore forms part of the overall strategy of the Adopted FIFEplan. The site is not considered to be urban sprawl as it is planned strategic growth. If mechanical ventilation was required for the whole site, it is unlikely that the exception could be accepted given that the site is greenfield expansion and not close to a transport hub and on the edge of the settlement. As the provision of mechanical ventilation only applies to seven units at the front of the site, it is considered that this would be a small number of units that would be affected. In addition, there are already several houses which front onto Townhill Road not only in the close proximity but also further afield. It is also considered that the design and road safety benefits in fronting Townhill Road outweigh the noise impact particularly as there is sufficient noise mitigation to ensure the standards can be met. It should also be noted that mechanical ventilation in itself does not adversely affect the amenity of a resident. Mechanical ventilation is now used as a method of providing air circulation in a house without draughts or the need to open windows and is more energy efficient. This forms part of a passive house which is energy efficient and mechanical ventilation is now used to meet the energy reduction requirements of the current Building Standards. Overall, it is considered that there is justification to accept mechanical ventilation for the units fronting Townhill Road as outlined above and it is not considered that these units would experience any significant reduction in residential amenity.

2.7.10 In terms of garden noise, all the gardens within the site meet the target noise level of 50dB. 1.8m high timber fences are needed between the properties fronting onto Townhill Road to provide mitigation for the rear gardens and ensure this level can be achieved. A condition has been added requiring the provision of the mitigation within the Noise Impact Assessment. The condition also requires evidence that the limits have been met following development.

2.7.11 The national water-ski centre is relatively close to the site. As was the case for the consented residential development on the site, the noise from the water-ski centre was not identified in the noise surveys as it was not in operation. The water-ski centre is not in continual use and any noise from it would be infrequent and for short periods. There is a good separation distance from the centre and the site. Given the intermittent nature of the centre and the intervening distance from the Loch to this site it is not considered that there would be any significant detrimental impact on residential amenity.

2.7.12 The route of the Northern Link Road is to the north of the site. The assessment has not considered the potential noise from this future link. The NLR would be some distance from the site however it is important to ensure that should mitigation be needed for this future link that it is planned into this site at this time. This could be in the form of a small barrier within the open space. As mitigation is achievable a condition has been added requiring this to be assessed prior to works starting on site and the mitigation provided if necessary.

2.7.13 There is a pylon within the open space in the site. Non-Statutory Guidance provided by National Grid sets out that open space is an appropriate land use below pylons subject to the planting and vegetation not causing any impact on the pylons themselves. The Guidance also

outlines that the evidence base currently shows that living close to pylons has no significant detrimental impact on the general population. The pylons and overhead lines in this case are a considerable distance from the proposed units and as noted, the open space would be readily available to residents without detriment. On this basis it is not considered that the proximity of the units to the pylons or the provision of open space below the pylons would cause any detrimental impact on the residential amenity of the residents.

2.7.14 The proposed development would not have a significant impact on the residential amenity of neighbouring properties given the distance between the development and the existing residential areas and the intervening existing and proposed landscape buffers. Internal residential amenity in terms of privacy, loss of daylight and sunlight is within the acceptable standards although some plots may suffer some minor impact. The noise from the adjacent roads can be adequately mitigated. It is therefore, considered that the proposal complies with the NPF 4 Policy 23, FIFEplan Policy 10 and relevant Guidance in this regard subject to conditions requiring implementation of the acoustic mitigation measures specified in the submitted Noise Impact Assessment and further surveys to demonstrate compliance with the relevant standards.

2.8 Natural Heritage and Trees

2.8.1 NPF4 Policy 3 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The most relevant sections of this policy in the assessment of the proposed development are as follows:

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories are required to demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard

the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

2.8.2 NPF4 Policy 6 aims to protect and expand forests, woodland and trees. It states that:

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

2.8.3 FIFEplan Policy 13: Natural Environment and Access states that development proposals will only be supported where they protect or enhance natural heritage and access assets including: trees that have a landscape or amenity value; biodiversity in the wider environment and protected and priority habitats and species. Where adverse impacts on existing assets are unavoidable proposals will only be supported where these impacts will be satisfactorily mitigated.

2.8.4 The submitted Updated Ecological Appraisal by Brindley Associates (June 2022) found no evidence of any protected species within the application site. It found that there is suitable bat foraging and commuting habitat within the site and along its boundaries. This habitat would largely be retained with the fringes of the site left undeveloped to assist the bats further, the Appraisal recommends specific plant species for the site to assist with foraging and migration. Further recommendations are included within the Appraisal to reduce any potential impact during and post construction and a condition is added requiring adherence to the mitigation in this document. With this there would be no significant impact on the bat population.

2.8.5 The Updated Ecological Appraisal noted that the trees, scrub and long grassland habitats within the site provide suitable nesting habitat for breeding birds. It recommends that any tree or vegetation removal should take place outwith the bird breeding season from March to August inclusive. A condition is proposed in order to address this.

2.8.6 Townhill Country Park lies adjacent to the northern site boundary. The Updated Ecological Appraisal identifies the park as a designated protected area along with Ancient Woodland which is located approximately 600 metres to the north east of the site boundary on the east side of Townhill. The proposed development would not have an impact on the Ancient Woodland given the distance of the site from the woodland. The proposed development would not encroach onto Townhill Country Park. Good practice measures are proposed within the Updated Ecological Appraisal which will help mitigate potential negative impacts on the park these relate to measures to prevent light spillage during construction, prevention of litter and garden waste into the park boundaries and the planting of native species. There would be no negative impact on Townhill Country Park as a result of the proposed development.

2.8.7 The hedgerow along Townhill Road would be removed in order to accommodate the proposed development. The Updated Ecological Appraisal notes this to be a species-poor defunct hedgerow comprising of hawthorn and therefore, it is of low biodiversity value. From an ecological point of the view, the loss of this hedge would have a minimal and localised impact. The applicant proposes to plant new hedgerow further north along the north east site boundary where the proposed open space borders Townhill Road. This replacement hedgerow provides an opportunity to offer some ecological benefit and would be an adequate replacement for the existing hedgerow.

2.8.8 In accordance with Making Fife's Places Supplementary Guidance (2018) the Updated Ecological Appraisal proposes biodiversity enhancement measures. This includes the provision of bat boxes and bricks, planting for bats and breeding birds, wildlife appropriate lighting and the provision of suitable habitat for invertebrates. A condition has been added requiring final details of the proposed enhancement measures. The Fife Council Natural Heritage Officer noted that the proposal complies with FIFEplan and Making Fife's Places subject to the measures defined in the Updated Ecology Appraisal and Planting Notes and Landscape Maintenance and Management Proposals being implemented.

2.8.9 The majority of the development includes a 10m stand off from the woodland to the north, in accordance with the FIFEplan allocation requirements. The exception to this is at the north eastern end where this reduces to 7m at a pinch point. The woodland within the Country Park in this area reduces to a line of sporadic trees with the trees not being as high as they are further west. It is considered that in this location, a 7 metre stand off can be acceptable particularly as it only relates to two plots. Making Fife's Places Supplementary Guidance requires a set back distance of the full height of the tree at maturity. The LDP in this instance has a specific stand off distance for this site which is considered to have more weight than the Supplementary Guidance as it is specific to this site. The 10m distance also would be a sufficient stand off for the majority of the trees in this area given their relative height. Only the more significant specimens may be taller than this, however, this is not considered a significant issue given the gardens are 9 metres in length in this location.

2.8.10 The proposal includes the 6m set back from the watercourse as required. There is the potential for this watercourse to be impacted on through pollution during the construction process.

A Construction Environmental Management Plan is included as a requirement within the conditions. This would ensure the water course is protected as much as possible during construction and require mitigation should there be an incident.

2.8.11 The submitted Tree Survey by Blebo Tree Surgery (dated June 2022) confirmed that there are no Category A trees within the application site; 50% of the trees were categorised as category B; 43% as C category and 7% as U. It noted that the majority of the tree population within the site is early mature in age and in moderate structural condition. The proposed development would result in the loss of four trees situated to the south west corner of the application site. These trees are categorised as Category C, all young / early mature sycamore trees which are of a poor to moderate condition. The loss of this limited number of trees would be more than compensated for by the extensive programme of tree planting proposed throughout the application site. The Fife Council Tree Officer is content with the proposal subject to a condition requiring submission of a tree protection plan.

2.8.12 The proposal is based upon an understanding of the existing characteristics of the site as reflected in the submitted Updated Ecological Appraisal and Tree Survey. The potential negative effects have been assessed and a range of appropriate mitigation measures identified. In addition, biodiversity enhancements have been suggested albeit, further details of these are required in order to demonstrate full compliance with NPF4 Policy 3. In accordance with NPF4 Policy 6, the proposal would enhance, expand and therefore, improve the tree cover within the application site, it would not result in the loss of any ancient woodlands, ancient or veteran trees. There would be a slight adverse impact due to removal of the hedgerow on Townhill Road and the four young sycamore trees, however, the hedgerow and the trees are not of high biodiversity value and adequate compensatory hedgerow and tree planting is proposed in order to mitigate against this loss. Overall, the proposed development would have minimal negative impact on and would enhance the natural heritage assets within the site and therefore, is in accordance with NPF Policies 3 and 6 and FIFEplan Policy 13 subject to the noted conditions.

2.9 Contamination, Land Stability and Air Quality

2.9.1 PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. FIFEplan Policy 10: Amenity states that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to air quality, contaminated and unstable land.

2.9.2 NPF 4 Policy 9 c) applies and states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is or can be made, safe and suitable for the proposed new use. NPF 4 Policy 23 d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality

assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

2.9.3 A Site Investigation Report (dated July 2022 by Bayne Stevenson Associates Ltd) has been submitted with the application and this notes that the site has largely remained as greenfield land for the last 200 years although there is evidence of historic coal mining under the site and adjacent to the site. The Site Investigation found no evidence of contamination on site but did note the elevated presence of CO₂ and potential mine gas. The SI states that further gas monitoring would be needed after any mine working stabilisation works. A further SI is therefore required with mitigation and this is included as a condition. The Council's Land and Air Quality Team have confirmed with the inclusion of conditions requiring this further information, they have no objection to the proposal. The Land and Air Quality Team also reviewed the submitted Air Quality Impact Assessment Addendum and confirmed that the findings of this are satisfactory.

2.9.4 The application site is located within a Coal Authority Development High Risk Area. A Report on Mineral Stability (dated July 2022 by Bayne Stevenson Associates Ltd) submitted with the application found that there are areas of worked coal under the site which would require mitigation. The report recommends the use of drilling and pressure grout injection to stabilise the former workings. A potential mineshaft has been identified in the north east of the site. This area is within the proposed open space, therefore, no residential development is proposed within this area. In their consultation response, The Coal Authority noted that they concur with the conclusions of the Report on Mineral Stability subject to conditions requiring further intrusive investigations in relation to the mine shaft and remediation works.

2.9.5 The proposed development is considered to be acceptable and in accordance with FIFEplan Policy 10 and NPF 4 Policies 9 and 23 subject to the above noted conditions.

2.10 Flooding and Drainage

2.10.1 NPF4 Policy 20 states that b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. NPF4 Policy 22 states that a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or. iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice. Also, of relevance to the assessment of the proposal is NPF4 Policy 22 c) Development proposals will: i. not increase the risk of surface water flooding to others, or itself be at risk. ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; iii. seek to minimise the area of impermeable surface. d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water

scarcity. e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

2.10.2 FIFEplan Policy 3: Infrastructure and Services requires development to be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Such infrastructure includes foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.10.3 FIFEplan Policy 12: Flooding and the Water Environment states that development proposals will only be supported where they can demonstrate compliance with a number of criteria including, they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere.

2.10.4 Within the north east corner of the application site there is an area identified as being at low, medium to high risk of surface water flooding on the SEPA Flood Map. The proposed housing would be located outwith this area. It is shown as part of an area of landscaping / open space on the proposed site layout plan. The Broomhead Burn, which flows along the northern boundary of the site from east to west, however, this is not identified as a source of fluvial flood risk to the site on the SEPA Flood Map. The submitted Flood Risk Assessment by Millard (Revision B, dated August 2022) notes that the site slopes significantly from south to north, and hence, because the watercourse is small, the risk of flooding from it is at most associated with a narrow strip along the northern boundary of the site. By inspection of mapping and a site walkover, it would appear that the upstream catchment of the watercourse is very limited, essentially draining ground to the north and east of the development site as well as the site itself. At the upstream end, the catchment likely includes a paddock field on the south eastern side of Townhill Road, where a pond forms. It is assumed this outlet is culverted under Townhill Road, and connects via a culvert along the northern boundary of the development site with the upstream end of the open channel of the watercourse. Immediately upstream of the point where the watercourse emerges into an open channel, it appears that the original watercourse channel has been infilled with waste material. This is evidenced by a large amount of broken clay pipe visibly mixed in with soil along the overgrown boundary of the site, along the line of what is presumably a culverted stretch of the watercourse. The watercourse is relatively straight and uniform along the open channel stretch as it flows along the northern boundary of the site. At the western end, there is a pipe culvert taking the watercourse under a track crossing, and shortly downstream of the site boundary, there is another pipe culvert carrying a field crossing. The Flood Risk Assessment sets out a number of proposed measures in order to mitigate and manage any potential flood risk, these include ensuring that any development is outwith the 1 in 200 year floodplain; all finished floor levels are above the adjacent floodplain by a suitable freeboard of 600mm; finished development levels at the north eastern end of the extent of the proposed housing and roads are set no lower than 131.05m; surface water runoff generated by the site should be dealt with following the principles of Sustainable Urban Drainage Systems; if any other drainage connections to the existing culverted length are uncovered or intercepted in the course of developing the site, they should either be incorporated into the SUDS system for the site, or reconnected to the watercourse as appropriate. The condition of the culverted length is unknown. Hence it would be prudent at the time the site is being developed to assess its condition by CCTV or otherwise, and to make good

any problem areas. In addition, should any additional drainage discharges be identified into the open section of watercourse, these should also be diverted as appropriate to ensure there is no development over a drain, and that there is no resultant flood risk to the proposed development.

2.10.5 Following a review of the submitted Flood Risk Assessment, proposed drainage scheme, submitted design and check certificates and further information submitted on SUDS maintenance, Fife Council Flooding, Shoreline and Harbours Team confirmed that they had no further comments to make on the proposed development.

2.10.6 Scottish Water were consulted and confirmed that they have no objection to the planning application. They confirmed that as at 25th October 2022, there is sufficient capacity in the Glendevon Water Treatment Works and the Iron Mill Bay Waste Water Treatment Works (for a foul connection only) to accommodate the proposed development.

2.10.7 As a residential development on a greenfield site, the proposal would not accord with the general presumption of no development on sites at risk from flooding however NPF4 Policy 22(a) describes when development proposals at risk of flooding or in a flood risk area will be supported. The proposal would comply with parts (c, d and e) of the policy, as well as Policies 16(a) and 20(b). The proposed development would not increase the risk of surface water flooding and would manage surface water through SuDS incorporated into the landscape proposals for the development whilst avoiding the need to connect with the combined sewer (Policies 20(b) and 22(c)), with the applicant proposing to connect to existing Scottish Water infrastructure (Policy 22 (d)), and the development shall also enhance opportunities for natural flood risk management (Policy 22(e)). It is also noted that the area of the site identified as being at risk of surface water flooding is small. No buildings are proposed within this area. Given the extent of area of flood risk within the site and as the proposed development would manage surface water through appropriately designed SuDS, and as the site is allocated for residential development in FIFEplan (2017), it is considered that the proposed development can be supported by NPF4 with regard to flood risk and water management considerations. A 6 metre buffer strip will be maintained between the development and the watercourse as required by the site's FIFEplan allocation. The proposed development is in compliance with FIFEplan Policies 3 and 12 and the requirements of the Fife Council Sustainable Drainage Systems (SUDS) - Design Criteria Guidance Note.

2.11 Archaeology

2.11.1 NPF 4 Policy 7 applies and states that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that the potential impacts can be assessed.

2.11.2 FIFEplan Policy 14 Built and Historic Environment states that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage built heritage assets including Inventory Historic Battlefields. Policy 14 notes that *“all archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Accordingly, development proposals which impact on archaeological sites will only be supported where: remains are preserved in-situ and in an appropriate setting; or there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigation is proposed. In all the above, development proposals must be accompanied with the appropriate investigations. If unforeseen archaeological remains are discovered during development, the developer is required to notify Fife Council and to undertake the appropriate investigations”*.

2.11.3 The Council Archaeologist confirmed that no archaeological sites, monuments or deposits are recorded within the proposed development footprint. The site is not considered to be archaeologically sensitive and therefore, concluded that no archaeological condition will be required.

2.11.4 The proposed development is in accordance with NPF 4 Policy 7 and FIFEplan Policy 14 with regard to archaeology.

2.12 Affordable Housing

2.12.1 NPF 4 Policy 16 e) states that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where a higher or lower contribution is justified. PAN 67 states that 'pepper potting' and large grouping of tenure should be avoided with small groupings preferable. FIFEplan Policy 2 states that open market housing development must provide affordable housing at the levels shown in Figure 2.2 for each Housing Market Area (HMA), consistent with the Affordable Housing Supplementary Guidance. This should be fully integrated into new development and be indistinguishable from other forms of housing. In order to achieve mixed and balanced communities, mixed tenure developments will be promoted.

2.12.2 There is a requirement for this development to provide 25% affordable housing in accordance with the requirements for Dunfermline Housing Market Area. The proposed development provides slightly more than 25% requirement with 16 of the proposed 59 units being affordable. The affordable units would be located at the west end of the application site, incorporating a mix of cottage flats, two storey terraced and semi-detached houses which would comprise two, three and four bedrooms. Fife Council's Housing and Neighbourhood Service reviewed the proposals and has set out their preferred mix for the site. The applicant has reviewed

the mix of affordable house types and largely complies with this. However, the applicant has confirmed that the affordable houses will be delivered by Kingdom Housing Association.

2.12.3 The proposed development meets the requirements of NPF 4 Policy 16 and FIFEplan Policy 2 in relation to the provision of affordable housing, the delivery of and full details of which will be secured via a Section 75 legal obligation.

2.13 Education

2.13.1 NPF 4 Policy 18 applies and states that the impacts of development proposals on infrastructure should be mitigated and that proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Policy 4 of the adopted FIFEplan (2017) 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. Figure 4.1 of Policy 4 of the Adopted FIFEplan also sets out the contribution requirements for the Dunfermline North SDA sites in terms of Education. Fife Council's Planning Obligations Framework Guidance (2017) re-iterates this advice and contains more recent and up to date calculations and methodologies with regards to existing infrastructure. It is, therefore, considered that the calculations from this Guidance should be used in this instance as this document provides the most recent and accurate calculations with regards to planning obligations.

2.13.2 Figure 2 within the Planning Obligations Framework Guidance (2017) sets out the education requirements for Dunfermline North SDA. This states that two new primary schools are required with one required at Halbeath and the other at Swallowdrum and this would provide the capacity for the whole SDA. The Education Service has been consulted and confirm that the site is within the catchment of Townhill Primary School, St Margaret's Roman Catholic Primary School, Queen Anne High School and St Columba's Roman Catholic High School.

2.13.3 While the FIFEplan and Planning Obligations Framework Guidance sets out a position whereby the North Dunfermline SDA will be served by two primary schools, these primary schools are within the most eastern and western sites within the SDA. The development areas more centrally within the SDA are too remote from the school sites in order to be served by them. In particular, this site is considered to be too remote from the proposed location of the primary school for the Halbeath SDA for it to be used as permanent capacity for this site. Thereby, the Education Service has looked at Townhill Primary School as being the solution for this site rather than one of the new SDA schools.

2.13.4 With this they have stated that there is an immediate capacity risk at Townhill Primary School due to the other development sites proposed within the catchment including the transition capacity needed for Halbeath SDA and the allocated site at Chamberfield SDA. The solution to this is the provision of two temporary double modular accommodation units which has already been agreed through application 17/01677/EIA (Halbeath SDA). This development site would pay its proportionate share towards this solution. As there is a critical capacity risk, no exemptions would apply to the affordable housing in the site and the contribution would be £65,854.

2.13.5 Education have also confirmed that there is a capacity risk at St Margaret's Roman Catholic Primary School due to the cumulative impact of all the development within the catchment. The

solution to this is a £1.05 million extension to be funded by all development in the catchment. This is not a critical capacity risk and therefore, the affordable units within the site would not contribute. The contribution would be £10,300.

2.13.6 The Planning Obligations Framework Guidance advises that there is a capacity risk across the Dunfermline Secondary School catchments. There is a cross catchment solution to address this and all sites within Dunfermline are required to contribute towards this. The contribution level is set at £6,067 per 3 bedroom market unit. A tariff approach is employed with 2 bedroom properties contributing 25% less while every additional bedroom would contribute a further 25% more (i.e. 5 bedroom property would contribute 50% more). Based on the house types chosen the contribution for this site would be £286,671 with the affordable units excluded.

2.13.7 There is no capacity risk identified at St Columba's Roman Catholic High School.

2.13.8 As the applicant has agreed to pay contributions to mitigate the capacity constraints at the catchment schools, it is considered that the development would be in compliance with the Development Plan and related Guidance in this regard. The development would not result in any significant detrimental impact to the education capacity within Dunfermline that cannot be resolved.

2.14 Public Art

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

2.14.2 As this is an application for a major development, public art would be required. There is no indication within the application submission to where the public art would be provided. A condition is recommended requiring the submission of a Public Art Strategy to provide and agree these details. This would also specify the need for public consultation and the need for detail on the level of cost apportioned to the art.

2.14.3 The development would comply with the relevant policies and planning guidance subject to the aforementioned condition.

2.15 Sustainable Development

2.15.1 NPF Policies 1 and 2 apply and encourage development to address the climate crisis.

2.15.2 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.

2.15.3 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that all major development 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.

2.15.4 The Energy Statement of Intention by SK/AD Energy (dated August 2022) submitted with the planning application confirms that greenhouse gases will be reduced within the proposed development through the adoption of "fabric first" principles supplemented by renewable technologies. The proposed houses would be resource efficient and include products that have been developed to incorporate the use of the following key features, all to fully comply and exceed the most up to date Building Standards Regulations in Scotland: highly insulated and energy efficient timber-frame construction; low permeability (airtightness) construction; energy efficient central heating systems and low energy lighting apparatus. Reduced heat loss would be achieved through the use of window design with hermetically sealed double-glazed units and high levels of thermal insulation.

2.15.5 Low carbon initiatives to be incorporated within the development will include Photovoltaic (PV) panels and high-performance boilers and heating controls. Electric car charging points can be provided at each plot should the homebuyer request one.

2.15.6 Around 40% of the site is within 1km of a district heat network. The applicant has therefore considered the use of this but notes that the unit numbers proposed is below the threshold required for further investigation within the Supplementary Guidance. This threshold is 231 detached units while this site only proposes 59. The applicant therefore has not considered the feasibility further. It is also noted that the district heat network is a considerable distance from the site with no direct connection at present.

2.15.7 The proposed development includes a sustainable drainage system to 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. Fife Council Flooding, Shoreline and Harbours Team have confirmed that the proposed sustainable drainage system is acceptable.

2.15.8 The collection of dry recyclable waste and food waste shall be in full accordance with the management process currently provided by Fife Council. To cater for Fife Council's "4 bin" service, suitable and adequate hardstanding areas will be provided within the curtilage of each property for the storage of wheeled refuse and recycling containers.

2.15.9 The proposed development is in accordance with NPF Policies 1 and 2 and FIFEplan Policy 11 in relation to low carbon and sustainability.

CONSULTATIONS

Scottish Water	No objection. Sufficient capacity at the Glendevon Water Treatment Works to accommodate the proposed development. Sufficient capacity for a foul only connection to the Iron Mill Bay Waste Water Treatment Works.
Environmental Health (Public Protection) The Coal Authority	No response. No objection subject to conditions relating to a remediation strategy is required to mitigate the former coal mining on under the site and remediate the mineshaft on site.
NHS Fife Archaeology Team, Planning Services	No response. No objection. No conditions are required in relation to archaeology.
Natural Heritage, Planning Services	Complies with FIFEplan and Making Fife's Places subject to the measures defined in the Updated Ecology Appraisal and Planting Notes and Landscape Maintenance and Management Proposals being implemented.
Trees, Planning Services Land And Air Quality, Protective Services	Tree protection plan is required. No objection subject to conditions in relation to site investigation, remedial action statement and verification report.
Education (Directorate)	Confirm that contributions are required for further capacity at Townhill Primary School, St Margaret's Roman Catholic Primary School and toward the Dunfermline Secondary School solution.
Housing And Neighbourhood Services Parks Development and Countryside	The site requires 25% affordable housing. The landscape planting plans are satisfactory. Details of the play equipment and maintenance of the proposed landscaping and play area are required.
Community Council	Support the proposal but have reservations regarding the narrowing of Townhill Road prior to the NLR being in place.

Urban Design, Planning Services	On balance, and given the site constraints and house types proposed, the proposal would not raise significant objections from an urban design perspective.
TDM, Planning Services	No objection subject to a contribution towards strategic transport interventions and conditions relating to road works, parking, visibility splays and wheel cleaning facilities.
Structural Services - Flooding, Shoreline and Harbours	No objection.

REPRESENTATIONS

There were six representations received, consisting of five letters of objection and one letter from Townhill Community Council. The Community Council noted their support for the proposal but have reservations regarding the narrowing of Townhill Road prior to the NLR being in place.

The issues raised in the five objections are summarised as follows:

1. No infrastructure improvement planned to the very busy Townhill Road and the junction with Kingseat Road
2. Impact on Townhill Country Park
3. Parts of the site are boggy in winter
4. Loss of trees
5. Proximity to neighbouring properties on Townhill Road
6. Houses should not be crammed in
7. Impact on nature
8. Increase in traffic
9. Increase in rogue parking
10. Increase in HGVs travelling via Kingseat Road and surrounding Townhill roads.
11. Ground vibrations due to building work
12. Increase in noise levels
13. Increase in pollution
14. Negative impact on access to Townhill Loch
15. Impact on local facilities including overcrowded primary and secondary schools, doctors
16. Road safety – children walking to school
17. Additional run-off from the development will exacerbate existing flooding issues at the junction of Townhill Road / Townhill Country Park
18. Impact on use of the site by walkers due to loss of land to development and loss of informal tracks across the site
19. Loss of the protected hedgerow on the site frontage

Response:

Points 1 and 8 - A number of improvements are planned to Townhill Road in order to assist with reducing vehicle speeds and improving road safety. Please see Section 2.6 of this report which provides more detail on these and a summary of the potential impact on the road network and any associated mitigation measures required.

Point 2 – The proposed development will be self-contained and will not encroach onto Townhill Country Park. There are sufficient landscape buffers proposed in order to provide separation between the development and the Park.

Points 3 and 17 - The submitted documents on flooding and drainage demonstrate that, in accordance with Development Plan policy, an adequate drainage system would be provided to ensure that the proposed development would not individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. See Section 2.10 of this report.

Point 4 - The proposed development would result in the loss of four trees situated to the south west corner of the application site. These trees are categorised as Category C, all young / early mature sycamore trees which are of a poor to moderate condition. The loss of this limited number of trees would be more than compensated for by the extensive programme of tree planting proposed throughout the application site.

Points 5 and 6 – The proposed houses are sufficient distance from the existing residential properties. The proposed site layout meets the requirements set out in the Fife Council Guidelines on Fife Council's Planning Customer Guidelines on Daylight and Sunlight and; Minimum Distances between Window Openings. The development is in accordance with the Development Plan policies design and amenity. See Sections 2.4 and 2.7.

Point 7 – No protected species have been recorded within the application site. Measures are proposed during the construction phase to ensure that there is no detrimental impact on wildlife. A range of biodiversity enhancements are also proposed. These will be secured via conditions. See Section 2.8 of this report.

Point 9 – Sufficient car parking is proposed within the proposed development in accordance with the Fife Council car parking requirements for both residents and visitors.

Points 10, 11 and 12 – Inevitably there will be construction traffic accessing the site during the build out phase as would be expected for any construction site. Fife Council Transportation Development Management has not noted any concerns about this. A condition is proposed requiring submission of a Scheme of Works prior to the commencement of development. This will include measures to mitigate the potential effects on sensitive premises/ areas (i.e. neighbouring properties and road) of dust, noise and vibration from the proposed development in accordance with the relevant British Standards.

Point 13 – An Air Quality Impact Assessment Addendum was submitted with the planning application. The Fife Council Land and Air Quality Team confirmed that the findings of this are satisfactory. A condition is proposed requiring submission of a Construction Environmental Management Plan to ensure that the site surroundings are protected from pollution during construction. See Section 2.9 of this report.

Points 14 and 18 – Access to the Townhill Loch would not be altered as a result of the proposed development. All existing accesses would be maintained with new footpath links created through the proposed open space at the north east corner of the site.

Point 15 – Any potential impact on the catchment schools would be adequately addressed via the contributions sought as outlined in Section 2.13 of this report. Concerns raised regarding healthcare provision are noted, however, this is not an issue that can be addressed by the planning system. The NHS operate a list system which allocates a certain number of registered patients per GP. If a GP has too many patients registered, then funding is available for a new GP as part of that practice's business case to expand services where required to meet additional demand.

The funding of healthcare is an issue for central government and there is no policy or legal mechanism in place for the planning system to require a developer to remedy this situation.

Point 16 – The proposed development would connect to the existing footpath network providing safe access for all pedestrians. The development includes a number of improvements to Townhill Road in order to assist with reducing vehicle speeds and therefore, improving road safety.

Point 19 – The hedgerow on the site frontage is not offered special protection by legislation. It is of low biodiversity and amenity value. Adequate compensatory replacement hedgerow planting is proposed in order to mitigate against this loss. See Section 2.8 of this report.

CONCLUSIONS

The application for 59 residential units has been assessed against the terms of the development plan and other material considerations in relation to the principle of development, design, visual impact, landscape, open space, garden ground, residential amenity, trees, natural heritage, road network, parking, air quality, contaminated land, flooding, drainage, education, affordable housing, public art, archaeology and sustainability. In all aspects the proposals fully accord with the Development Plan and other material considerations subject to a Section 75 legal obligation and conditions.

RECOMMENDATION

It is accordingly recommended:

A. That the application is approved subject to the undernoted conditions and reasons, following the conclusion of an agreement to secure the necessary planning obligations, namely:-

- 1) £10,300 towards St Margaret's Roman Catholic Primary School;
- 2) £286,671 towards the Dunfermline Secondary School solution;
- 3) £229,276 towards the Strategic Transport Interventions;
- 4) £65,854 towards Primary School solution at Townhill PS;
- 5) 25% affordable housing;
- 6) Contribution towards the upgrade of Whitefield Road/ Halbeath Road/ Linburn Road junction and Halbeath Road improvements.

B. That authority is delegated to the Head of Planning Services in consultation with the Head of Legal & Democratic Services to negotiate and conclude the legal agreement necessary to secure the planning obligations.

C. That should no agreement be reached in relation to the planning obligations within 6 months of the Committee's decision, authority is delegated to the Head of Planning Services in consultation with the Head of Legal & Democratic Services to refuse the application.

and the following conditions and reasons:

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

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

2. FOLLOWING THE COAL MINING REMEDIATION WORK REQUIRED BY CONDITION 5 BUT PRIOR TO COMMENCEMENT OF DEVELOPMENT, an updated Intrusive Investigation (Phase II Investigation Report) shall be submitted by the developer for the written approval of Fife Council as planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revision of those documents.

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

3. 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 2. 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 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.

4. 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.

5. PRIOR TO COMMENCEMENT OF DEVELOPMENT, an intrusive site investigation shall be undertaken to determine the location and condition of the mine entries associated with the site. A report of the site investigation shall be submitted for the written approval of Fife Council as planning authority in consultation with the Coal Authority. In the event that the site investigations confirm the need for remedial works to treat the mine entries to ensure the safety and stability of the area then details of the proposed remediation shall be provided within this report for written approval. The report shall also confirm the remedial works to treat the areas of shallow mine working within the site. The remediation measures shall be carried out prior to development starting on site and shall be carried out in accordance with the details agreed through this condition.

Reason: To ensure the site is free of risk from coal mining legacy.

6. Vegetation removal shall not take place at any time between March and August (inclusive) in any calendar year unless otherwise agreed in writing with the Planning Authority with the submission of an updated breeding bird survey.

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

7. PRIOR TO COMMENCEMENT OF DEVELOPMENT, final details of the biodiversity enhancement measures for the site as set out within the Updated Ecological Appraisal by Brindley Associates (June 2022) shall be submitted for the written approval of Fife Council as planning authority. For the avoidance of doubt, the enhancement measures shall include some of the enhancement measures relating to bats. The landscaping plans shall be updated and resubmitted for written approval of Fife Council as planning authority if any of the biodiversity enhancement measures includes additional planting. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of providing ecological enhancement of the site in accordance with Making Fife's Places Supplementary Guidance (2018).

8. IF HEAVY ENGINEERING (SUCH AS BLASTING OR PILING) IS REQUIRED WITHIN 30m OF THE EXISTING PROPERTIES ON KENT STREET, then a further bat assessment shall be carried out on these properties. The assessment, with mitigation as necessary, shall be submitted for the written approval of Fife Council as planning authority and no heavy engineering shall take place within 30m of these properties until written approval has been given by the planning authority. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of protecting bats from disturbance from the construction works.

9. The development shall be implemented in accordance with the recommendations set out within the Updated Ecological Appraisal by Brindley Associates (June 2022) unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interests of protecting the ecology of the site.

10. PRIOR TO ANY WORKS STARTING ON SITE, 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 the proposed development shall be submitted and approved in writing by Fife Council as Planning Authority for written approval. 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. The dust control measures shall reflect the conclusions of the Air Quality Assessment submitted with the application. The Scheme of Works shall provide details of the proposed working times for the site during construction. Development shall take place in accordance with the details approved through this condition.

Reason: In the interests of residential amenity.

11. BEFORE THE CONSTRUCTION OF ANY RETAINING WALLS ON SITE, full details of the design, construction and facing materials to be used on each retaining wall shall be submitted for the written approval of Fife Council as planning authority. For the avoidance of doubt, it is expected that high quality materials shall be used on retaining walls which face onto public spaces. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of residential amenity.

12. PRIOR TO COMMENCEMENT OF DEVELOPMENT STARTS ON SITE a public art strategy including the details of the proposed items of work relating to this strategy shall be submitted for the written approval of Fife Council as Planning Authority. The strategy shall demonstrate that the value of the works contributing to the public art strategy shall meet the terms of the Council's Guidance on Public Art in terms of the financial value of the items of work. The strategy shall propose a scheme of public consultation which shall involve Local Members and local community group or groups (if available) and shall include a phasing timescale for the implementation of the public art works. Thereafter the public art works shall be carried out entirely in accordance with the details and phasing approved under this condition.

Reason: To ensure the development contributes to the quality of the environment and meets the terms of the Council's guidance on public art.

13. The SUDs and drainage infrastructure shall be constructed contemporaneously with the construction of the residential units and infrastructure on site and shall be complete and fully operational before the completion of the last unit on site.

Reason: To ensure the site has adequate drainage infrastructure.

14. Within one week of the SUDS basin being installed, certification shall be submitted to Fife Council as planning authority from a chartered engineer that the SUDS basin has been constructed in compliance with the details approved through this application.

Reason: To ensure the SUDS basin is constructed in accordance with the self-certification

process in the interests of ensuring adequate drainage for the site.

15. PRIOR TO THE OCCUPATION OF THE FIRST RESIDENTIAL UNIT ON SITE, details of the construction and delivery of the informal paths shall be submitted for the written approval of Fife Council as planning authority. The details shall specify when each informal path will be delivered in the development program. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of permeability in accordance with Making Fife's Places Supplementary Guidance (2018).

16. PRIOR TO THE COMPLETION OF THE FIRST RESIDENTIAL UNIT, full final details of the play equipment to be provided for the site shall be submitted and approved in writing by Fife Council as planning authority. This shall include a timetable for completion of the play equipment. For the avoidance of doubt this shall specify by which unit completion the play area will be provided. The play equipment shall equipment which support 'Play for All' where possible. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of providing adequate play provision for the site.

17. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, final details of the materials for the site shall be submitted for the written approval of Fife Council as planning authority. Variation shall be provided on site through the materials particularly in junction nodes. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interest of good design, protecting the setting of the listed building and visual amenity.

18. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, a scheme of tree protection measures to protect trees adjoining the site during construction shall be submitted and approved in writing by Fife Council as Planning Authority. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of protecting the trees neighbouring the site.

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

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

20. The development shall be implemented in accordance with the recommendations set out within Flood Risk Assessment by Millard (Revision B, dated August 2022) unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interests of protecting the site from significant flood risk.

21. The acoustic mitigation specified within the Noise Impact Assessment by ITP Energised (dated July 2022) approved through this application shall be provided prior to the occupation of the

residential units at Plots 1 to 7. Before the occupation of the residential units at Plots 1 to 7 but after completion of the noise mitigation measures, a further noise survey shall be submitted to Fife Council as planning authority to demonstrate that the following internal sound levels can be achieved:

a The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development.

b The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development.

c The LAMax shall not exceed 45 dB between 2300 and 0700hrs when readings are taken inside any bedroom in the development.

d The 16hr LAeq shall not exceed 50 dB between 0700 and 2300 hours when readings are taken in outdoor amenity areas.

None of the properties at Plots 1 to 7 shall be occupied until written confirmation from Fife Council as planning authority has been received that this report is acceptable.

Written evidence shall be submitted to Fife Council as planning authority to demonstrate that the above internal and external sound levels can be achieved. None of these properties shall be occupied until written confirmation Fife Council as planning authority has been received that they are satisfied that sufficient evidence has been provided.

If it cannot be demonstrated that the aforementioned sound levels have been achieved, a further scheme incorporating further measures to achieve those sound levels shall be submitted for the written approval of the Planning Authority.

Reason: In the interests of the residential amenity of future residents.

22. PRIOR TO THE OCCUPATION OF THE FIRST RESIDENTIAL UNIT, a further noise assessment shall be undertaken and submitted to Fife Council as planning authority. This shall consider the potential noise from the route of the Northern Link Road and the Scottish National Water Ski Centre to the properties within the site. Mitigation shall be proposed to protect residential amenity where necessary. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of protecting the residential amenity of future residents.

23. PRIOR TO ANY WORKS START ON SITE (INCLUDING VEGETATION REMOVAL), a Construction Environmental Management Plan shall be submitted for the written approval of Fife Council as planning authority. This shall include measures to protect the adjacent woodland and water course from pollution during the construction process and set out the locations for storage and compounds and provide the construction phasing within the site.

Reason: To protect the immediate environment during the construction phase.

24. 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.

25. All roads and associated works, including the reconstruction and relocation of the existing centre island on Townhill Road, visitor parking spaces, road serving the proposed development as shown on document 02A 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.

26. Prior to occupation of the first house, visibility splays 2.4 metres x 43 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access and Townhill Road, in accordance with the current Fife Council Transportation Development Guidelines.

Reason: To ensure the provision of adequate visibility at the junctions of the vehicular access and Townhill Road.

27. Prior to occupation of each house the off-street car parking within its plot as shown on document 02A shall be provided and subsequently retained through the lifetime of the development in accordance with the current Fife Council Parking Standards.

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

28. Wheel cleaning facilities approved by Fife Council as Planning Authority being provided, maintained and operational 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.

29. The road through the site shall be constructed up to the western boundary of the site.

Reason: To comply with the Adopted FIFEplan Allocation Policy DUN038 in terms of delivering this site in conjunction with Chamberfield SDA (DUN046).

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 Government Creating Places - A Policy Statement on Architecture and Place for Scotland (2013)

Scottish Government Designing Streets - A Policy Statement for Scotland (2010)

PAN 33 - Contaminated Land (Revised 2000)

PAN 1/2011 – Planning and Noise (2011)

Development Plan and Supplementary Guidance:

National Planning Framework 4 (2023)

FIFEplan Local Development Plan (2017)

Fife Council Making Fife's Places Supplementary Guidance (2018)

Fife Council Affordable Housing Supplementary Guidance (2018)

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

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

Fife Council Planning Customer Guidelines on Garden Ground (2016)

Fife Council Planning Obligations Framework Guidance (2017)

Fife Council Planning Low Carbon Supplementary Guidance (2019)

Other Material Considerations:

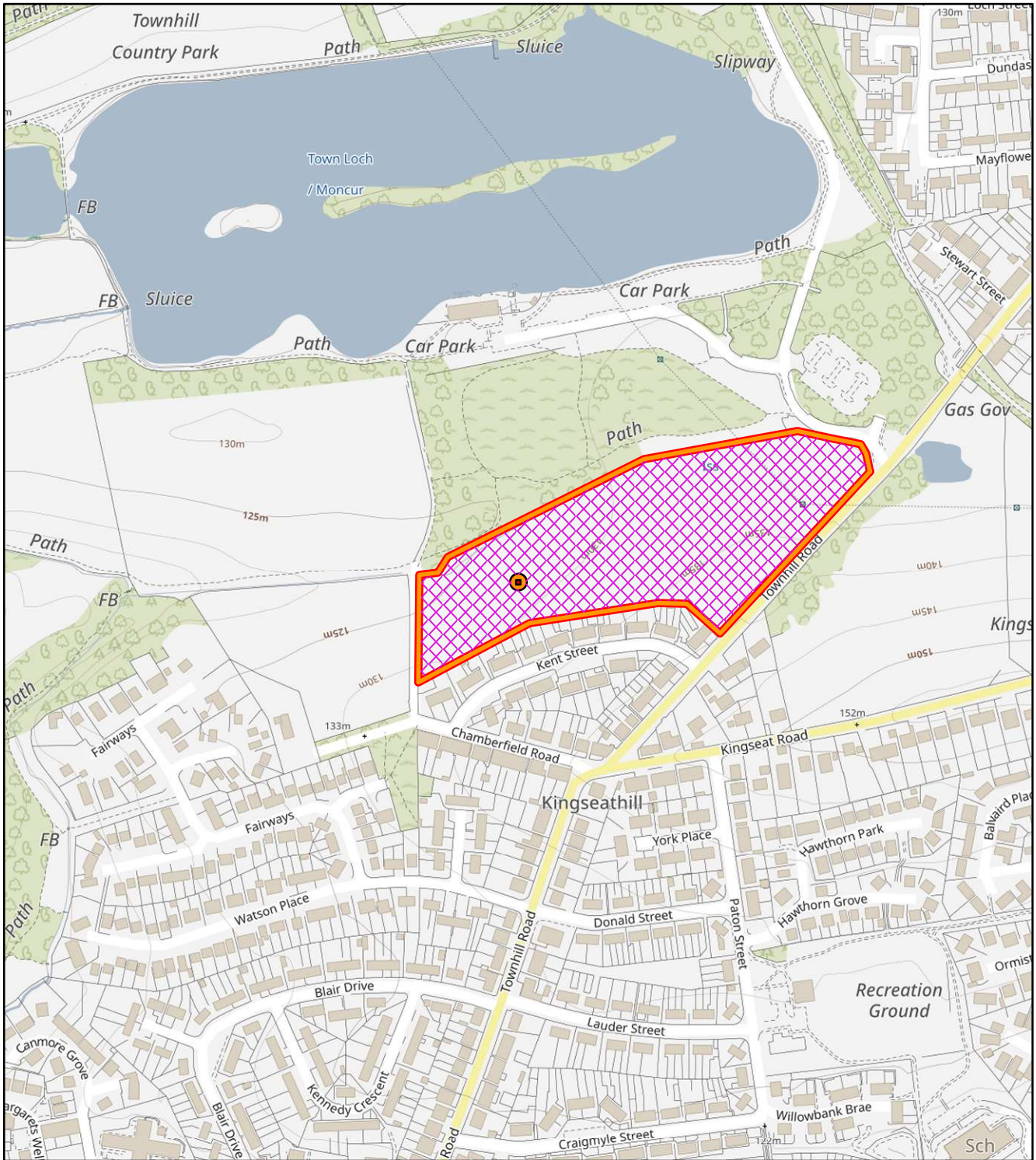
World Health Organisation (WHO) Guidelines for Community Noise (2015)

Report prepared by Katherine Pollock, Lead Professional and Chartered Planner

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 6/3/23.

22/02635/FULL

Land To North Of Kent Street Dunfermline



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 8

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/02717/FULL

SITE ADDRESS: LAND ADJACENT TO MAIN STREET CAR PARK AND SOUTH OF WEST ROAD SALINE

PROPOSAL : ERECTION OF 39 AFFORDABLE HOUSING UNITS (15 FAMILY HOMES AND 24 ASSISTED LIVING), 1 COMMUNITY HUB WITH ASSOCIATED PARKING AND INFRASTRUCTURE WORKS

**APPLICANT: MR STEVEN GARRY
CAVALRY PARK PEEBLES UK**

**WARD NO: W5R01
West Fife And Coastal Villages**

CASE OFFICER: Jamie Penman

DATE REGISTERED: 25/08/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

This application has attracted more than 5 representations which are contrary to the Case Officer's recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Scottish Government voted to approve National Planning Framework 4 on January 11, 2023, with it being formally adopted on February 13, 2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places. The Chief Planner issued a formal letter on February 8, 2023, which provides further guidance on the interim arrangements relating to the application and interpretation of NPF4 prior to the issuing of further guidance by Scottish Ministers. This letter advises that local development plans which are already adopted will continue to be part of the development plan and that for avoidance of doubt, existing LDP land allocations will be maintained.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

Having assessed the current application against the policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.1 Background

1.1.1 This application relates to an area of land measuring approximately 1.6Ha which is located within the settlement boundary of Saline. The site is directly to the south of the B913 (West Road) and is currently in agricultural use. The application site and a wider area to the east and south is allocated in FIFEplan (2017) as a housing opportunity site (Ref: SAL003). The whole of the allocated site extends to 8.4Ha and has an estimated capacity of 130 units. Agricultural land extends beyond the site to the south and west, with existing housing being located to the north of the B913 and to the east. The site has a gradual incline to its midpoint from the northern boundary before falling away to the south. There are no notable trees within the application site with it largely being covered in rough grassland. The site is located within a Coal Authority Low Risk Area and there is a Health and Safety Executive Hazardous Pipeline Zone located along the western boundary. The application site is also located with the Saline and Steelend Green Network Policy Area.

1.1.2 Planning history associated with this site includes:

15/00079/PAN Proposal of Application Notice for proposed residential development with open space, access, landscaping and associated engineering works (January 2015)

15/00721/SCR Screening request for residential development with open space, access, landscaping and associated engineering works - Screening Not Required (March 2015)

1.1.3 This full planning application is for the erection of 39 affordable dwellings and also includes a community hub building. 24 of the units, which would all be single storey bungalows, would be assisted living properties for older people. The remaining 15 units would be family homes and would all be two storey houses. New access points are also proposed into the site from the B913

along with drainage infrastructure throughout. The proposed site plan shows a mix of house types which include both bungalows and two-storey houses in both semi-detached and terraced arrangements. The community hub building would be single storey, detached and centrally located within the site. Finishing materials consist of a white wet dash render, areas of grey cladding and UPVC windows and doors. All properties would also be equipped with air source heat pumps. Front and rear garden grounds are proposed for each property with off-street parking being provided in-curtilage either to the front or side of dwellings. Landscaping and a mix of boundary treatments are also proposed.

1.1.4. A physical site visit has not been undertaken for this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application. The following evidence was used to inform the assessment of this proposal

- Google imagery (including Google satellite imagery)
- GIS mapping software
- Drone footage

It is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

1.2 Procedural Issues

1.2.1 With regard to The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the proposal is a Local Application given the site area is less than 2Ha and less than 50 houses are being proposed. As such, no formal pre-application consultation was required. However, it is understood that the applicant carried out voluntary public engagement event with members of the public. The statutory neighbour notification procedure was undertaken by the Planning Authority with the proposal also being advertised in the local newspaper.

1.2.2 It is understood that Fife Council will purchase all of the units for the purposes of providing social rented housing. Circular 3/2009: Notification of Planning Applications advises that in certain circumstances where an authority has a financial interest in the development, notification to Scottish Ministers must be made prior to the grant of planning permission. As this proposed development is not significantly contrary to the Local Development Plan, in that an approval would not undermine the land use strategy of the plan, there is no requirement for notification of the application to Scottish Ministers. PAN82: Local Authority Interest Developments also applies. The PAN advises that notwithstanding the Council's interest in the development, the Planning Authority must still carry out its statutory planning functions without interference. Furthermore, the Committee must carry out a thorough planning assessment, following all necessary procedures, and reach a decision in accordance with the development plan, unless material considerations indicate otherwise. It must be noted that the Council's support for the development must not take precedence over the need for a proper and fair planning assessment.

2.1 Assessment

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity

- Sustainable Travel and Road Safety
- Land/Air Quality
- Flooding/Drainage
- Planning Obligations
- Trees/Biodiversity
- Low Carbon Fife
- Archaeology Impact
- Hazardous Pipeline

2.2 Principle of Development

2.2.1 NPF 4 Policy 9 applies and advises that proposals on greenfield sites will not be supported unless the site has been allocated for development. NPF4 Policy 16 also applies and aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. It continues to note that development proposals for new homes on land allocated for housing in LDPs will be supported. Policy 16 also advises development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported and could include, affordable homes and homes for older people, including supported accommodation. Policy 17 also applies and aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. Policy 17 continues to state that development proposals for new homes in rural areas will be supported where development is suitably scaled, sited and designed to be in keeping with the character with the surrounding area and where it is proposed on a site allocated for housing within the LDP. The Chief Planner's letter on February 8, 2023, confirmed that local development plans which are already adopted will continue to be part of the development plan and that for avoidance of doubt, existing LDP land allocations will be maintained.

2.2.2 FIFEplan (2017) Policy 1 Development Principles applies and states that development proposals will be supported if they conform to relevant development plan policies and proposals and address their individual and cumulative impacts. Part A of Policy 1 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. Policy 2 Homes also applies and states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply on sites allocated for housing in the Local Development Plan or on other sites provided the proposal is compliant with the policies for the location.

2.2.3 Concerns have been raised in submitted objection comments noting that the development would be located on a greenfield site.

2.2.4 The application site is greenfield, however, it is wholly located within the FIFEplan (2017) allocated housing site SAL003 and is within the defined settlement boundary of Saline. The general principle of development is therefore acceptable.

2.2.5 This application proposes development on part of the allocated site and as such, this approach must consider whether to do so would compromise the development of the wider allocation. In this regard, the applicant has submitted an indicative master/phasing plan to show how the wider site might be developed. This drawing is not an approvable document as part of

this application; however, it does set out a good indication as to the future direction of the site. The masterplan shows the full development of the allocated site being undertaken in three separate phases, with this proposal being the first phase. Phase two would be located to the south with phase three located to the east. Two points of access are being proposed into the site with phases 1 and 2 being joined to phase 3 through an internal link road. The applicant has also submitted comprehensive studies with regard to traffic impacts, flooding/drainage strategy, a contaminated land risk assessment and an archaeological site assessment for the whole site. As detailed throughout this report, these supporting documents do not raise any concerns with regard to the whole site not being developable. There is a risk that this may be the only development that comes forward as part of the allocation, however, there is a risk with any development that it is only partially developed and not fully completed. Whilst not an ideal approach, it is not considered that the partial development of the allocated site will compromise the wider development of the allocation.

2.2.6 Fife Council's Affordable Housing Team has also been consulted on the application and has noted that there is a high need for affordable housing within Saline and that this application would partly meet the identified needs.

2.2.7 The proposal therefore complies with NPF4 (2023) Policies 9, 16 and 17, and FIFEplan (2017) policies 1 and 2.

2.3 Design and Visual Impact

2.3.1 NPF 4 Policy 14 aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It continues to note that development proposals will be designed to improve the quality of an area whether in urban or rural locations. Furthermore, development will be supported where it is consistent with the six qualities of successful places which includes: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. NPF 4 Policy 4 also applies and aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 4 states that development proposals will contribute to the enhancement of biodiversity and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

2.3.2 FIFEplan (2017) Policies 1, 10 Amenity, 13, Natural Environment and Access, 14 Built and Historic Environment and Making Fife's Places Supplementary Planning Guidance apply to the visual impact of the development. Part C of Policy 1 requires development proposals to be supported by information or assessments to demonstrate an acceptable layout and design. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and that they must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to its visual impact on the surrounding area. Policy 13 relates to the natural environment and states that development shall only be supported where it will protect or enhance natural heritage assets including the landscape character. Policy 14 relates to the built environment and states that new development shall demonstrate how it has taken account of and meets the six qualities of successful places which include 1. Distinctive; 2. Welcoming; 3. Adaptable; 4. Resource Efficient; 5. Safe and Pleasant; and 6. Easy to Move Around and Beyond.

2.3.3 Concerns have been raised in submitted objection comments with regard to the visual impact of the development, particularly on the character of the village when travelling along the

B913. Concerns are also raised with regard to the proposed house types in that they are not appropriate for the area and the impact that they would have on neighbouring listed buildings.

2.3.4 Existing residential properties are located along the northern side of the B913, which include two category B listed buildings. The street character along the section of the B913 across from the site is typically of traditional construction, however, there are also more recent, modern constructions along this route. In addition, many of the traditionally properties have been altered or extended using modern designs / materials. The listed buildings are both detached two storey stone-built dwellings facing the site across the B914. Whilst the development would see the outlook from these buildings change from open land to a housing area, the Listed Buildings themselves would primarily be viewed in the context of the other properties on the north side of the B913, The proposed dwellings facing the B913 would be two storey semi-detached dwellings which would relate well to the scale of existing buildings on the north side of the road. The proposal would therefore have a limited impact on the setting of the Listed Buildings

2.3.5 The application site will be accessed from a single point of access from the B913, however, provision has been made for a secondary point of access into the wider site to the east. A total of 24 single storey bungalows and 15 two storey properties are proposed. Finishing materials are consistent throughout the site and include a white wet dash render, areas of cladding, UPVC windows and doors and each property would be equipped with solar panels. Each property would have front and rear gardens with off-street parking being provided to either the front or side of dwellings.

2.3.6 10 of the 39 houses would provide an active frontage onto the B913 with areas of landscaping also proposed along this boundary. All of these properties would be two-storey semi-detached and would largely reflect the scale and massing of the existing properties located opposite the site with a separation distance of 21m being proposed. The proposed properties along the northern boundary of the site would be accessed directly from the B913 with off-street parking being located to the side of dwellings, ensuring that parking does not dominate the streetscene when viewed from the B913. The remaining 29 houses would face onto the internal road within the site with landscaping being provided throughout.

2.3.7 A mix of boundary treatments are proposed throughout the site. Along the boundaries which face out onto the countryside, a low-level post and wire fence with native species hedge planting is proposed, ensuring a soft natural finish to the site edges. Hedge planting is proposed in front gardens in order to define public from private spaces with the use of timber fencing being largely limited to rear gardens, which is welcomed.

2.3.8 The site is located with the Saline and Steelend Green Network Policy Area. Appendix H of Making Fife's Places states that the development of SAL003 should establish a high-quality development frontage on to the B914 through appropriate boundary solutions which enhance the sense of arrival and reflect the wider rural character on approach from the west. In this regard, the development does provide an active frontage onto the B913 with significant areas of natural boundary treatments, avoiding the use of timber fencing. A low natural stone wall is also proposed towards the northwest corner of the site which would enhance the sense of arrival into Saline. This wall uses reclaimed materials from the site. Appendix H also states that the development should incorporate the existing landscape features into proposals for the site and create a strong landscape framework along the western and southern boundaries of the site, through appropriate planting and boundary solutions, which incorporates access provisions and reflects the strong rural character of the area to provide an appropriate setting for the

development. Appropriate boundary treatments of post and wire fencing with hedging is proposed in these areas which will help the development respond positively to its rural setting.

2.3.9 The development would represent an attractive, modern development which would sensitively handle its boundaries which face onto the surrounding countryside. Furthermore, no significant concerns would be raised with regard to the proposed house types/finishing materials or the impact these would have on the existing character of Saline or neighbouring listed buildings. The internal layout of the site is also acceptable through appropriate plot densities, separation distances, placement of off-street parking areas and use of boundary treatments. Houses have also been positioned to look onto public spaces which is welcomed.

2.3.10 The application proposal therefore complies with NPF4 Policies 4 and 14, and FIFEplan (2017) Policies 1, 10, 14 and Making Fife's Places Supplementary Planning Guidance (2018).

2.4 Residential Amenity

2.4.1 NPF4 Policy 16 applies and aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations. It notes that good quality homes are at the heart of great places and contribute to strengthening the health and wellbeing of communities. Policy 16 advises that developments should improve the residential amenity of the surrounding area. NPF Policy 23 also applies and aims to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. It states that development proposals that are likely to raise unacceptable noise issues will not be supported and that the agent of change principle applies to noise sensitive development. Policy 23 advises that a Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

2.4.2 FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance apply and relate, in part, to residential amenity impacts that may arise from a development. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and that they must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to loss of privacy sunlight, daylight or noise, light/odour pollution or other relevant other nuisances, including construction impacts. Planning Advice Note 1/2011: planning and noise and Fife Council's guidance note on Development and Noise (2021) also apply and provide guidance on how the planning system helps to prevent and limit the adverse effects of noise. Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings, Daylight/Sunlight and Garden Ground also apply.

2.4.3 Concerns have been raised in submitted objection comments that the development would impact on privacy levels of existing neighbouring residential properties and that overshadowing impacts would occur. Concerns have also been raised with regard to impacts that may arise during the construction period.

2.4.4 The site layout has been designed to ensure that no significant privacy or overshadowing impacts occur between proposed properties within the site. Separation distances of at least 18m have been provided between windows serving habitable rooms. A range of garden ground sizes have also been provided throughout the site with the majority in line with Fife Council's garden ground guideline of 100sqm. Approximately 8 properties have gardens measuring between 50

and 80sqm, however, this would raise no significant concerns given the range in garden ground sizes being provided across the site.

2.4.5 With regard to neighbouring properties which are located along the northern boundary of the site, a distance of 21m would separate the proposed properties from the existing, which exceeds Fife Council's minimum distance between window openings guidance of 18m. Furthermore, due to this separation distance, no significant concerns would be raised with regard to overshadowing.

2.4.6 A Noise Impact Assessment was also submitted with the application which details the potential impact of road traffic noise on future occupants of the development. The report concludes that noise levels within rear garden grounds would exceed Fife Council's standard of 50db by approximately 4db. It should be noted however that this would fall within the World Health Organisations guideline of 55db. The report therefore advises that a 2m acoustic barrier should be installed along short stretches of the eastern and western boundaries of the site, adjacent to the B913 and between gaps in the proposed houses along the northern boundary. However, whilst the applicant was willing to provide the acoustic barrier, through consultation with the Case Officer, it was agreed that these would not be provided in order to preserve visual amenity along the relevant boundaries. Given the small exceedances in amenity space noise levels and the small number of properties it would impact, no significant concerns are raised with this approach or with the impact this would have on residential amenity.

2.4.7 The Noise Impact Assessment also considers road traffic noise impacts on internal spaces and concludes that for properties facing onto the B913, a closed window approach with specialist glazing is required to meet internal noise level guidance. In line with the REHIS Briefing Note 017 - Noise Guidance for New Developments, closed window solutions should only be used in exceptional circumstances which includes sustainable sites that are close to town centre locations, are close to public transport provision and meet specific needs identified within the local development plan. Given this site is allocated for housing, this site is considered to meet the exceptional circumstance criteria therefore a closed window solution can be accepted for the 10 properties located along the northern boundary of the site. No significant residential amenity concerns would be raised in this regard.

2.4.8 As with any development, there is likely to be some disruption within the surrounding area during the construction period. However, these impacts will only be temporary and raise no significant concerns.

2.4.9 The proposal would raise no significant residential amenity impacts either in terms of the internal site layout or with regard to existing properties located out with the site.

2.4.10 The proposal therefore complies with NPF4 Policies 16 and 23, and FIFEplan (2017) policies 1, 10 and Making Fifes Places Supplementary Planning Guidance (2018).

2.5 Sustainable Travel and Road Safety

2.5.1 NPF 4 Policy 13 aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Policy 13 advises that developments should provide active travel infrastructure and that development proposal will be supported where it can be demonstrated they provide safe links to local facilities and will be accessible by public transport. Policy 15 also applies and aims to encourage, promote and facilitate the application of the Place Principle and create

connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. Policy 15 advises that development proposals should contribute to local living including but not limited to local access to sustainable modes of transport including local public transport and safe, high-quality walking, wheeling and cycling networks, schools, playgrounds, employment and shopping.

2.5.2 FIFEplan (2017) Policies 1, 3 Infrastructure and Services and Making Fife's Places Supplementary Planning Guidance apply. Policy 1 requires development proposals to be supported by information or assessments to demonstrate that they will provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Policy 3 continues by noting that where necessary and appropriate, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, which may include local transport and safe access routes which link with existing networks, including for walking and cycling. Making Fife's Places Supplementary Planning Guidance Appendix G sets out transportation development guidelines for development sites.

2.5.3 Concerns have been raised in submitted objection comments noting that the development would have an unacceptable road safety impact on the surrounding area in terms of traffic volumes and with new access points being formed onto the B913. Comments also note that there is an insufficient bus service that serves Saline.

2.5.4 Properties located along the B913 would have an access directly onto this road, with a single point of access being provided into the wider site from the B913. A secondary point of access is also being provided into the wider allocated site. Off-street in-curtilage parking is being provided throughout the site either to the front or side of houses. Pedestrian links are also being provided along the B913 frontage with pedestrian routes also being proposed through the site. The site is located within walking distance (approx. 300m) from the nearest shop and approximately 200m from the nearest bus stop.

2.5.5 A Transport Statement has been submitted with this application which considers the traffic impact from the whole of the allocated site (130 units). The Transport Statement considers that the allocated site could be fully developed without having a significant road safety impact on any of the assessed junctions within Saline. The Transport Statement also considers walking, cycling and public transport access and notes that there is good provision in the surrounding area.

2.5.6 Fife Council's Transportation Development Management Team has been consulted on the proposal and has advised that the site is within an acceptable walking distance of the primary school, a local shop and the closest bus stop is within 400 metres walk distance of the site. TDM note that there are several existing bus services providing a reasonable daytime weekday and Saturday service to Dunfermline, but late evening and Sunday services are limited and that there is a limited bus service to Falkirk and Alloa, with no service on a Sunday. TDM advises that the proposed site plan shows the provision of a footway on the frontage of the site extending eastwards to the bus turning circle/bus stop, however, they advise that the proposed footway link should be extended the full length of the application site frontage and for a 40m length to the east to connect it to the bus turning circle. TDM notes that the proposed visibility splays onto the B913 are acceptable, that the level of off-street parking is acceptable and has recommended conditions be attached to capture small design additions to the proposed layout.

2.5.7 Subject to the recommended conditions, the proposal would comply with NPF4 Policies 13 and 20, FIFEplan (2017) Policies 1, 3, 10 and Making Fife's Places Supplementary Planning Guidance in this regard.

2.6 Land and Air Quality and Potentially Unstable Land

2.6.1 NPF 4 Policy 9 applies and states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is or can be made, safe and suitable for the proposed new use.

2.6.2 FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance apply and state that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to contaminated/unstable land and/or air pollution. Fife Council's Air Quality in Fife - Advice for Developers guidance note and Planning Advice Note 33: Development of contaminated land also apply.

2.6.3 An initial phase 1 risk assessment for contaminated land was submitted with this application. A subsequent detailed investigation report was submitted. These documents were reviewed by Fife Council's Land & Air Quality Team who raised no concerns but advised that a remediation report should be submitted before any works commence on site. This can be addressed by condition.

2.6.4 The application site is located within a Coal Authority Low Risk Area. A coal mining risk assessment and consultation with the Coal Authority is therefore not required, however, the developer will be required to follow the Coal Authority's standing advice for developments in low-risk areas.

2.6.5 Subject to the recommended conditions, the proposal would comply with NPF4 Policy 9, FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance in this regard.

2.7 Flooding and Drainage

2.7.1 NPF 4 Policy 22 aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It states that development proposals at risk of flooding or in a flood risk area will only be supported in certain circumstances. Policy 22 advises that in such cases, it will be demonstrated by the applicant that all risks of flooding are understood and addressed, and the development remains safe and operational during floods. Policy 22 also advises that development proposals should not increase the risk of surface water flooding to others, or itself be at risk, manage all rain and surface water through sustainable urban drainage systems (SUDS), that all proposals should presume no surface water connection to the combined sewer and seek to minimise the area of impermeable surface.

2.7.2 FIFEplan (2017) Policies 1, 3, 12 Flooding and the Water Environment and Making Fife's Places Supplementary Planning Guidance apply. Part B of Policy 1 requires development proposals to avoid flooding and impacts on the water environment and Part C states that development Proposals must be supported by information or assessments to demonstrate that

they provide Sustainable Urban Drainage Systems in accordance with any relevant drainage strategies applying to the site. Policy 3 requires development proposals to provide the required level of infrastructure including foul and surface water drainage, including Sustainable Urban Drainage Systems. Policy 12 states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements also applies.

2.7.3 Concerns have been raised in submitted objections with regard to potential flooding impacts the development may create. Concerns have also been raised with regard to the capacity of the local sewer system.

2.7.4 SEPA flood maps do not indicated any areas of flooding within the application site itself however does note potential fluvial flooding towards the southeast of the site along the route of an existing burn. A flood risk assessment has been submitted with this application which raised no significant flooding issues. Drainage information has also been submitted which details that surface water would be drained to a new suds basin located to the east of the site where it would be retained then discharged at a restricted rate to a nearby watercourse. Foul drainage would be directed to a nearby public sewer.

2.7.5 Scottish Water has been consulted on this proposal and raised no objections.

2.7.6 Fife Council's Structural Services Team has also been consulted on this application and have advised that it is unusual for SUDS infrastructure to be installed under the adopted road network, however, the applicant has provided proof that network management have no objections to this approach. No further concerns have been raised by Structural Services.

2.7.7 The application proposal therefore complies with NPF 4 Policy 22 and FIFEplan (2017) Policies 1, 3 and 12.

2.8 Planning Obligations

2.8.1 NPF 4 Policy 18 aims to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. Policy 18 advises that impacts of development proposals on infrastructure should be mitigated and that proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. It continues to note that where planning obligations are entered into, they should meet the five tests.

2.8.2 FIFEplan (2017) Policies 1, 4 Planning Obligations, Making Fife's Places Supplementary Planning Guidance and Fife Council's Planning Obligations Framework Policy Guidance apply and state 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. Policy 4 also sets out exemptions from such developer contributions which includes developments which include the re-use of previously developed land and proposals for affordable housing.

2.8.3 Concerns have been raised in submitted objection comments noting that the development would impact on the capacity of the local primary school. Comments also note that a new play park should also be provided.

2.8.4 Given this proposal is for 100% affordable housing, it is exempt from most planning obligations.

2.8.5 Fife Council's Education Team has been consulted on this application and has advised that the application site falls within the catchment areas for Saline Primary School, St Margaret's Roman Catholic Primary School, Queen Anne High School, and St Columba's Roman Catholic High School. The consultation response notes that for the 15 eligible properties proposed through this application, no critical capacity education risks have been identified within any of the schools within the catchment.

2.8.6 No significant areas of public open space are being provided within the site, however, the site is within walking distance of other areas of open space within Saline including the play park on North Road and the Saline Glen Woodland Walk. Due to the size of the development and the existing facilities which are available, it is not required to provide an equipped play area on site. Furthermore, as the proposal is for 100% affordable housing, it is exempt from having to make a financial contribution to greenspace improvements.

2.8.7 The proposal therefore complies with NPF4 Policy 18, FIFEplan (2017) policies 1, 4, Making Fife's Places Supplementary Planning Guidance (2018) and Fife Council's draft Planning Obligations Framework Guidance (2017).

2.9 Natural Heritage/Trees

2.9.1 NPF 4 Policy 3 applies and aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 4 states that development proposals will contribute to the enhancement of biodiversity and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Policy 3 notes that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. It states that measures should be proportionate to the nature and scale of development and that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design.

2.9.2 FIFEplan (2017) Policies 1, 13 Natural Environment and Access and Making Fife's Places Supplementary Planning Guidance apply and state that development proposals will only be supported where they protect or enhance natural heritage and access assets including trees and hedgerows that have a landscape, amenity, or nature conservation value. Furthermore, development proposals will only be supported where they protect or enhance biodiversity in the wider environment and priority habitats/species.

2.9.3 Concerns have been raised in submitted objections noting that the development would have a negative impact on existing levels of natural heritage.

2.9.4 The application site would develop greenfield land, however, it is allocated for housing through FIFEplan (2017). The development would not remove any significant areas of mature vegetation with significant areas of tree and hedge planting being proposed throughout the site.

A Preliminary Ecology Appraisal (PEA) has been submitted with this application which details no significant constraints to the development in terms of protected species and notes that any significant impacts can be mitigated through the submission of a Construction and Environmental Management Plan. The PEA does note the presence of Snowberry along the northern boundary of the site which is an invasive deciduous shrub and that it would be an offence to allow this to spread. A condition can be added to ensure adequate treatment of this species. The PEA also suggests measures for biodiversity enhancement which includes but is not limited to the installation of bird and bat boxes. No details of the biodiversity enhancement measures have been provided, however, this can be addressed by condition.

2.9.5 Subject to the recommended conditions, the proposal complies with NPF4 Policy 4, FIFEplan (2017) Policies 1, 13 and Making Fife's Places Supplementary Planning Guidance.

2.10 Low Carbon Fife

2.10.1 NPF4 policy 1 applies and aims to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. It states that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2 also applies and aims to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. It states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 19 also applies and aims to encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures.

2.10.2 Policy 11: Low Carbon Fife of the Adopted FIFEplan ensures that the Council contributes to the Climate Change (Scotland) Act 2009 target for reducing greenhouse gas emissions by at least 80% by 2050. Adopted Supplementary Planning Guidance Low Carbon Fife (2019) provides guidance on the application of Policy 11 with regard to low carbon energy schemes, sustainable development and air quality.

2.10.3 A low carbon checklist has been submitted with this application which details the measures that will be taken forward as part of this development in order to promote sustainability. The statement notes that building materials will be locally sourced and that air source heat pumps will be installed for each property.

2.10.4 The proposal therefore complies with NPF4 Policies 1, 2, 19, FIFEplan (2017) Policies 1, 11 and Fife Council's Supplementary Planning Guidance Low Carbon Fife.

2.11 Archaeology

2.11.1 NPF 4 Policy 7 aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. It states that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that the potential impacts can be assessed.

2.11.2 FIFEplan Policy 14 Built and Historic Environment states that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage built heritage assets including Inventory Historic Battlefields. Policy 14 notes that "all archaeological

sites and deposits, whether statutorily protected or not, are considered to be of significance. Accordingly, development proposals which impact on archaeological sites will only be supported where: - remains are preserved in-situ and in an appropriate setting; or - there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigation is proposed.

2.11.3 An archaeology desk-based assessment has been submitted which considers the archaeological potential of the site. The report notes that there are potential remains of local heritage value surviving within the site. An Archaeology Written Scheme of Investigation has also been submitted which outlines the proposed approach to investigations which will be undertaken on site. Fife Council's Archaeologist has been consulted and has advised that a condition be added to any consent issue requiring a programme of archaeological works to be undertaken, before any works commence on site.

2.11.4 Subject to the recommended conditions, the proposal complies with NPF4 Policy 7, FIFEplan (2017) Policies 1, 14 and Making Fife's Places Supplementary Planning Guidance (2018).

2.12 Hazardous Pipeline

2.12.1 NPF 4 Policy 23 aims to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. It states that development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.

2.12.2 Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires the Health and Safety Executive be consulted where development is within an area which within the vicinity of toxic, highly reactive, explosive or inflammable substances and which involves the provision of residential accommodation.

2.12.3 Concerns have been raised in submitted objections noting that a hazardous pipeline is located below the site and the impact that the development may have on public safety.

2.12.4 The BP Forties Pipelines runs in a north - south direction along the western boundary of the application site with the defined outer and middle zones encroaching into the application site boundary. The Health and Safety Executive has been consulted on this application and no objections have been raised.

2.12.5 The proposal therefore complies with NPF4 Policy 23 and Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

CONSULTATIONS

Archaeology Team, Planning Services	Conditions recommended.
Education (Directorate)	No critical capacity concerns.
Scottish Water	No objections.
Land And Air Quality, Protective Services	Conditions recommended.

TDM, Planning Services	No objections subject to conditions.
Environmental Health (Public Protection)	Noise levels should be checked upon completion.
Housing And Neighbourhood Services	High need for affordable housing in Saline and this proposal reflects the type of properties required.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Health And Safety Executive	Does not advise against.

REPRESENTATIONS

10 objections have been submitted. Concerns raised include:

- Road safety impacts arising from the construction phase and additional traffic from the development (traffic movements and parking) - Addressed in Section 2.5
- Impact on natural heritage - Addressed in Section 2.9
- Impact on education capacity - Addressed in Section 2.8
- Impact on privacy - Addressed in Section 2.4
- Development of a greenfield site - Addressed in Section 2.2
- House types not appropriate for area - Addressed in Section 2.3
- Village only has one shop - Addressed in Section 2.5
- Impact on the character of a small village - Addressed in Section 2.3
- Flooding impact on the development and surrounding area - Addressed in Section 2.7
- Development's visual impact on historic neighbouring properties - Addressed in Section 2.3
- New play park and further car parking required - Addressed in Section 2.8
- Sewage infrastructure over capacity - Addressed in Section 2.7
- Construction impact on residential amenity - Addressed in Section 2.4
- Development will lead to future phases - Addressed in Section 2.2
- Additional drainage infrastructure required - Addressed in Section 2.7
- Limited public transport service - Addressed in Section 2.5
- Development will cause overshadowing and loss of light - Addressed in Section 2.4
- Construction management plan required - Addressed in Section 2.4
- Impact on underground pipeline - Addressed in Section 2.12

Concerns raised which are not material to the assessment of the application include:

- Impact on private view
- Development has resulted in house sales falling through
- Restrictions on land title
- Increase in crime and anti-social behaviour
- No demand for affordable housing
- Bus turning circle should be provided

CONCLUSIONS

The application proposal represents the partial development of a FIFEplan (2017) allocated housing site. It has been demonstrated through this submission that the development of the remainder of the allocated site would not be compromised by this development. This

development represents an attractive modern development which would sit comfortably within the landscape and be part of the settlement of Saline. The design of the site and its edges have been handled appropriately to help it fit in with its countryside surroundings. No significant concerns are raised with regard to residential amenity, road safety or flooding/drainage impacts. Furthermore, no significant concerns have been raised with regard to land quality, impact on natural heritage, archaeology or the hazardous pipeline that runs along the western boundary of the site. The application proposal therefore complies with the relevant policies within NPF 4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018) and is recommended for conditional approval.

RECOMMENDATION

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

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

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

2. All units hereby approved, shall be affordable housing as defined within Fife Council's Supplementary Planning Guidance on Affordable Housing (2018) and shall be held as such in perpetuity unless otherwise agreed by the express prior consent in writing of Fife Council as Planning Authority.

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

3. The occupancy of 24 out of the 39 units hereby approved shall be restricted to persons aged 55 and over and shall be held as such in perpetuity unless otherwise agreed by the express prior consent in writing of Fife Council as Planning Authority.

Reason: In the interest of protecting education capacity.

4. Before any development commences on site, a biodiversity enhancement plan which shows how the recommendations made within the approved preliminary ecology appraisal have been taken into account, shall be submitted to Fife Council as Planning Authority for prior written approval. The approved measures shall then be completed on site in full, prior to it being fully occupied. For the avoidance of doubt, the plan shall include all necessary plans to identified where specific measures will be implemented, along with detailed product specifications.

Reason: In the interest of biodiversity enhancement; to ensure the measures recommended within the approved preliminary ecology appraisal are detailed and implemented.

5. Prior to any works commencing on site, the developer shall submit an Invasive Plant Management Plan which will set out how the Snowberry which has been identified within the site will be properly dealt with, all to for the written approval of Fife Council as Planning Authority. Thereafter, the development shall proceed in full accordance with the approved management plan unless otherwise varied by the written agreement of the planning authority.

Reason: In the interests of environmental protection; to ensure the eradication of invasive species of flora.

6. No development shall commence on site until a remedial action statement, in accordance with the approved Phase II Intrusive Investigation Report, has been submitted by the developer to and approved in writing by Fife Council as Planning Authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

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

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

7. 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 6. 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.

8. 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.

9. Before any development commences on site, a Construction and Environmental Management Plan (CEMP) shall be submitted to Fife Council as Planning Authority, for prior written approval. The approved measures shall then be followed in full on site during the construction period. For the avoidance of doubt, the CEMP shall full consider all potential impacts on surrounding residential properties and potential impacts on local ecology and how these impacts shall be mitigated.

Reason: In the interest of protecting residential amenity and ecology; to ensure adequate measures are put in place during the construction period to avoid any significant impacts.

10. Prior to any development commencing on site, proof of Scottish Water's acceptance of foul drainage into their public sewer shall be submitted to Fife Council as Planning Authority. The agreed measures shall then be completed on site, before any part is occupied.

Reason: In the interest of securing a suitable means of foul water discharge.

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

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

12. Before any works start on site, the recommendations made in the approved Archaeological Written Scheme of Investigation (WSI) shall be undertaken in full with the results summarised in a report which shall be submitted to Fife Council as Planning Authority for prior written approval. Works shall then be completed in accordance with any agreed recommendations/mitigation measures.

Reason: In the interest of preserving potential archaeological deposits; to ensure the site is fully investigated.

13. Before they are erected on site, full details of all boundary treatments (including site plan), shall be submitted to Fife Council as Planning Authority for prior written approval. The approved boundary treatments shall then be installed on site prior to each respective unit being occupied.

Reason: In the interest of visual amenity; to ensure the proposed boundary treatments are appropriate for their location.

14. Before any works start on site, full details of the feature wall that is to be installed towards the north west boundary of the site shall be submitted to Fife Council as Planning Authority for prior written approval. The wall shall be fully constructed prior to the site being fully occupied.

Reason: In the interest of visual amenity; to ensure the feature wall is appropriate as a gateway feature.

15. 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.

16. Before any development commences on site, a revised site plan shall be submitted showing the following:

- The provision of a continuous 2 metres wide footway between the eastern boundary of the site and the bus stop within the bus turning circle path within the existing public road boundary and/or land within the control of Fife Council.
- The internal streets being provided up to the eastern and southern boundaries of the site.
- The provision of a raised junction (75mm high and 1 metre ramps) at the T-junction fronting plot 34.

The approved revised site plan shall then be built out on site in full as part of the development.

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

17. Prior to occupation of the first dwelling within the site, visibility splays 2.4 metres x 43 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the site access with West Road (B913) in accordance with the current Fife Council Transportation Development Guidelines. The visibility splay 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.

18. Prior to occupation of the first dwelling within the site, visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at all internal junctions of prospectively adoptable roads 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.

19. Prior to occupation of each house, all roadside boundary markers shall be maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development.

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

20. Prior to occupation of each house the off-street car parking for that plot shall be provided as shown on document 03A. 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.

21. The visitor car parking spaces as shown on document 03A shall be provided pro-rata in relation to the occupation of houses 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.

22. Prior to the commencement of any activity on site details of the measures to be employed to prevent mud, debris or other deleterious material being carried onto and accumulating on the public roads adjacent to the site shall be submitted for the written approval of this planning authority and shall thereafter be maintained throughout the construction period of the development.

Reason: In the interests of road safety.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance
PAN 1/2011 Planning and Noise
PAN 33 Development of Contaminated Land

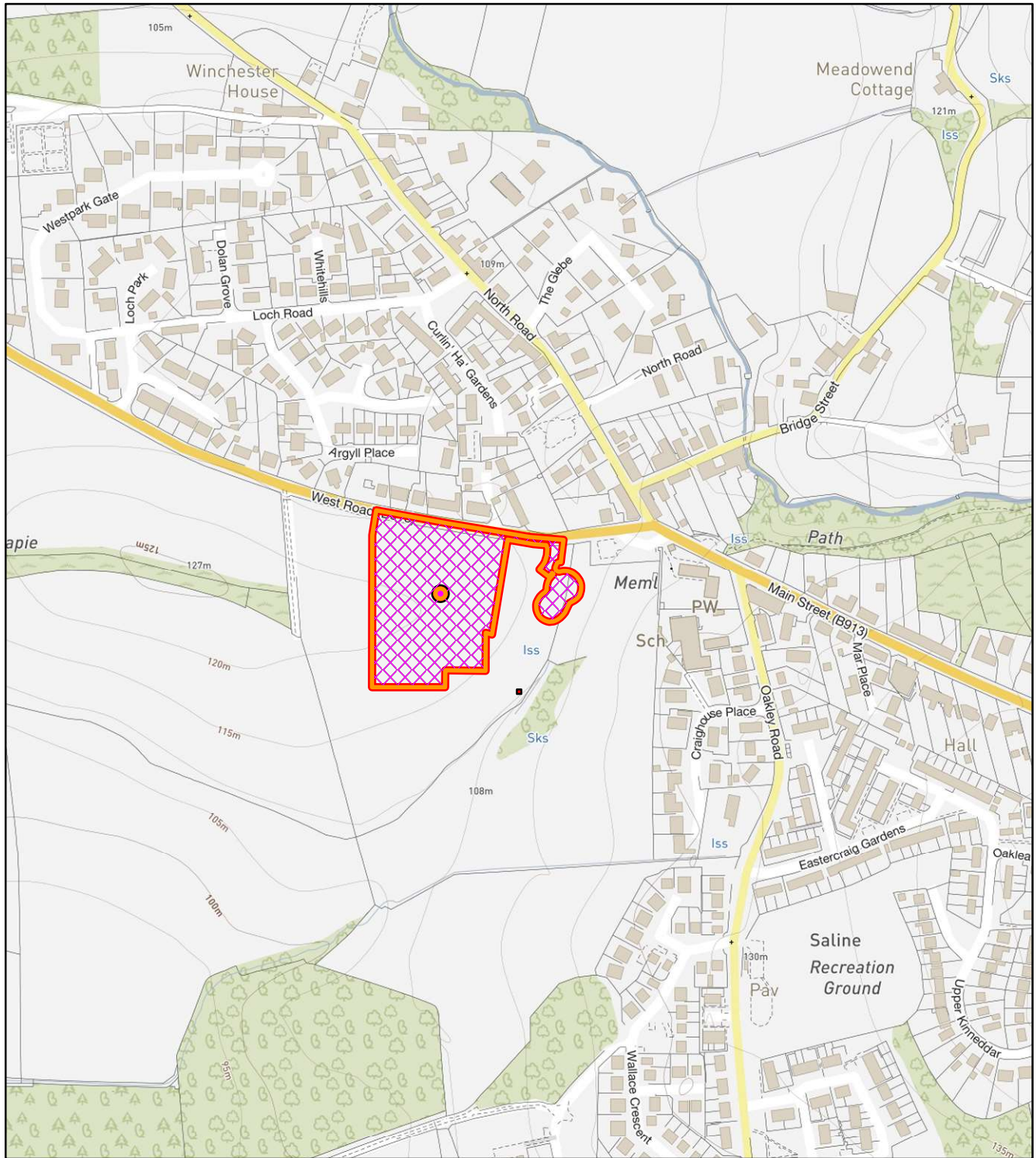
Development Plan
National Planning Framework 4 (2023)
Adopted FIFEplan (2017)
Fife Council's Supplementary Guidance on Affordable Housing (2019)
Making Fife's Places Planning Supplementary Guidance (2018)
Fife Council's Low Carbon Fife Supplementary Guidance (January 2019)

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

Report prepared by Jamie Penman Chartered Planner
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 6.3..23

Date Printed 18/11/2022

Land Adjacent To Main Street Car Park And South Of West Road Saline



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 9

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE REF: 22/04288/PPP

SITE ADDRESS: CROMBIE POINT FIFE

PROPOSAL : PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF 2 DWELLINGHOUSES WITH ASSOCIATED GARAGES AND ACCESS.

**APPLICANT: MR JAMES CORRIE
RED MOSS HOUSE EAST LACHRAN BLAIRADAM**

**WARD NO: W5R01
West Fife And Coastal Villages**

CASE OFFICER: Emma Baxter

DATE REGISTERED: 12/01/2023

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 representations have been received contrary to officer recommendation

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.

The Scottish Government voted to approve National Planning Framework 4 on January 11, 2023, with it being formally adopted on February 13, 2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places. The Chief Planner issued a formal letter on February 8, 2023, which provides further guidance on the interim arrangements relating to the application and interpretation of NPF4 prior to the issuing of further guidance by Scottish Ministers. This letter advises that local development plans which are already adopted will continue to be part of the development plan and that for avoidance of doubt, existing LDP land allocations will be maintained.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date through Local Development Plans and further guidance and advice. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most detailed expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

1.0. Background

1.1. Description

1.1.1. The application relates to an area of greenfield land (approximately 3207 sqm) located within the small Hamlet of Crombie Point which is a countryside setting and within the Upper Forth Local Landscape Area as defined by the adopted FIFEplan (2017). The site is approximately 1.5km southwest of the Crombie settlement boundary. The application site is bounded by Shore Road to the southwest, Crombie Point House to the southeast, open space to the northwest and the D14 to the northeast. The Fife Core Path Network runs along the northeast and southwest of the site.

1.2. The Proposal

1.2.1. The application seeks planning permission in principle for the erection of two dwellinghouses with associated garages and access.

1.3. Planning History

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

- Planning permission for the erection of two dwellinghouses (Planning reference 08/03346/WFULL) was withdrawn February 2009.
- Planning permission in principle for the erection of two dwellinghouses (Planning Reference 22/01607/PPP) was withdrawn November 2022.

1.4. A site visit was conducted on 24/01/2023. Further information has been collated digitally to allow the full consideration and assessment of the application. The following additional evidence was used to inform the assessment of this proposal

- Google imagery (including Google Street View and Google satellite imagery);
- GIS mapping software; and
- Site photos

2.0. 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 the Countryside
- Road Safety
- Residential Amenity
- Low Carbon
- Flooding and Drainage
- Trees
- Land Stability

2.2. Principle of Development

2.2.1. NPF4 Policy 16(f) states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where;

- the proposal is supported by an agreed timescale for build-out; and
- the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- and either
 1. delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing

- Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
- 2. the proposal is consistent with policy on rural homes; or
- 3. the proposal is for smaller scale opportunities within an existing settlement boundary; or
- 4. the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan

2.2.2. NPF4 Policy 17a applies and states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

2.2.3. While the proposal is not considered to be supported in terms of the broad policy position set out in Policies 16 and 17 of the NPF. The Chief Planner's letter confirms that NPF4 needs to be assessed in the round and in full context of the Adopted Development Plan. The Adopted Development Plan includes the Adopted FIFEplan which provides more detailed policy context in relation to the assessment of this development. Policy 7 of the Adopted FIFEplan LDP relates to development in the countryside and Policy 8 more specifically relates to new housing in the countryside.

2.2.4. Policy 1 of the Adopted FIFEplan (2017) sets out that development proposals will be supported if they are in a location where the proposed use is supported by the development plan and where they comply with other plan policies. Policy 7 states that developments in the countryside will only be supported where, among other circumstances, it is for housing in line with Policy 8. Policy 8 sets out that houses in the countryside will only be supported where;

- 1. It is essential to support an existing rural business
- 2. It is for a site within an establish and clearly defined cluster of five houses or more
- 3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits
- 4. It is for the demolition and subsequent replacement of an existing house provided the following all apply
 - The existing house is not listed or of architectural merit;
 - The existing house is not temporary and has a lawful use; or

- The new house replaces one which is structurally unsound, and the replacement is a better-quality design, similar in size and scale as the existing building, and within the curtilage off the existing building.
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building
 6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes)
 7. A shortfall in the 5-year effective housing land supply is shown to exist, and the proposal meets the terms of Policy 2 (Homes)
 8. It is a site for a Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 or
 9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation

In all cases, developments must be:

- Of a scale and nature compatible with surrounding uses;
- Well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and
- Located and designed to protect the overall landscape and environmental quality of the area.

Cluster

2.2.5 From the supporting statement submitted with this application, the relevant criterion argued for this application is '2' - It is for a site within an established and clearly defined cluster of five houses or more. Policy 8 states that specific housing groups that would make up a cluster are not identified in the Local Development Plan; however, a housing cluster should be made up of a clearly defined grouping of 5 or more houses (up to a maximum of 24). The buildings will be located in very close proximity to one another and outwith the settlement boundaries identified in this Plan. The cluster should be contained by a well-established boundary, such as roads, trees or other landscaping features, and should be visually connected through the form or the pattern of development. Furthermore, Policy 8 states for housing proposed in a cluster to be acceptable, it must address the following requirements:

- It will require to be located within a clearly defined gap within the cluster and should incorporate other built development on at least two sides, forming a continuous, interconnected grouping. Housing proposed clearly outwith or on the edge of the group will not be permitted.
- The new houses should not result in ribbon development (that is, building houses alongside a transport route) or coalescence (joining up) of the group with a nearby settlement/another housing cluster.

2.2.6. Letters of representation received for this proposal have objected on the grounds that the proposal would result in coalescence of two separate groups of properties. It has been stated that the two properties to the north of the site were formally part of the historic Craigflower Estate and have never formed part of Crombie Point which consists of the six properties to the south.

2.2.7. There are six dwellings to the south of the proposal site, Crombie Point House and the Coach House which border the application site, followed by Black Anchor, Kilmory and Cockletrees further to the south and Kinny Braes to the east of the application site. There are a further two houses to the north of the proposal site (Stripside Cottage and Stripside House). Whilst

the location of the proposed dwellinghouse is in relatively close proximity to the group of houses to the south and the two houses to the north, it is considered that it would not satisfy the requirements as set down in paragraph 8. It is considered that the two properties to the north of the site are entirely separate from the small group of six dwellings to the south of the development site. These two groups of houses are not “contained by a well-established boundary, such as roads, trees or other landscaping features” as required per paragraph 7 of Policy 8 and therefore the proposed development would not be located within an existing cluster of dwellinghouses, as defined by the Development Plan policy. Rather, the proposed development would contribute towards the coalescence of the two separate groups of houses, which is explicitly advised against within Policy 8. The proposal therefore does not satisfy Criterion 2. Furthermore, should the current application be approved, it would potentially allow further houses to be development to the north-west and north-east at a later date.

2.2.8. In addition, it is argued within the planning statement submitted as part of this application that “the site is seen as being no different to adjoining proposed development at Bullyeons Farm, Crombie.” The application which is being referred to was for the erection of a dwellinghouse approximately 400 meters to the north-east. However, in that instance the proposed development was justified under Criterion 1 of Policy 8 in that it was essential to support an existing rural business. Therefore regardless of any similarities which may existing between the two proposals in terms of setting, layout, design etc., this application is considered fundamentally different in that it fails to justify the proposed countryside location of the development under Policy 8 of the LDP.

Housing Shortfall

2.2.9. Criterion 6 and 7 of Policy 8 of the Adopted FIFEplan (2017) state that Development of houses in the countryside will only be supported where; it is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes) or a shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes). Where a shortfall in the 5-year effective housing land supply is shown to exist within the relevant Housing Market Area, housing proposals within this Housing Market Area will be supported subject to satisfying each of the following criteria:

1. the development is capable of delivering completions in the next 5 years;
2. the development would not have adverse impacts which would outweigh the benefits of addressing any shortfall when assessed against the wider policies of the plan;
3. the development would complement and not undermine the strategy of the plan; and
4. infrastructure constraints can be addressed.

2.2.10. The supporting statement submitted with this application also argues that the proposed development would accord with the criteria within Policy 2 as outlined above. Whilst the Scottish Government have previously taken the view that there is a housing shortfall, in terms of the Fife Housing Land Audit 2022, Fife Council's position is that there is no housing shortfall within this housing market area. This application would therefore not be supported under Policy 2 or Criterion 7 of Policy 8 of the Adopted FIFEplan (2017). Furthermore, the Housing Land Audit states that sites of fewer than 5 houses (small sites) cannot contribute to housing supply targets in this area. As such, notwithstanding the fact there is no shortfall in the area, the proposed development nevertheless would be unable to be supported under Criterion 7 of Policy 8 or Policy 2 of the Adopted FIFEplan (2017) due to its small size.

2.2.11. In light of the above, the principle of proposed development does not meet the terms of any of the criteria listed above and therefore is considered contrary to Policies 16 & 17 of NPF4 and Policies 1, 2, 7 and 8 of the adopted FIFEplan (2017) and thus not acceptable.

2.3. Design / Visual Impact on the Setting of Listed Buildings and Countryside Setting

2.3.1. NPF 4 Policy 14 applies and states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 29 of NPF4 states development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location. The proposal is for PPP and therefore any design requirements and further details would be dealt with at the ARC application.

2.3.2. Policies 1 and 10 of the Adopted FIFEplan (2017) states that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Furthermore, Policy 8 states that developments must be designed to protect the overall landscape and environmental quality of the area. In addition, paragraph 7 states that houses within a cluster should be visually connected through the form or the pattern of development. 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. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 also applies in this instance.

2.3.3. Letters of objection received for this application raised concerns that the proposed development would not be in keeping with the nearby listed buildings and the wider countryside setting. It should be noted that many letters of representation received have made reference to the proposed design/elevational drawings which were submitted as part of the previous application on this site which was withdrawn (22/01607/FULL). These details have not been submitted as part of this application and therefore are not considered in the assessment of this application.

2.3.4. As this is an application for Planning Permission in Principle, detailed design aspects do not form a key part of the current application assessment. The surrounding dwellings vary somewhat in terms of scale, with Crombie Point House (C-listed) and Stripside (B-listed) comprising of 2.5 storey dwellings with large footprints in comparison to Black Anchor (B-listed) and Cockletrees which are smaller 1.5/2 storey cottages. However, the surrounding properties are considered to be similar in terms of their traditional design and materials, which includes wet dash render, timber windows and slate roofs. Overall, it is considered that the site is of a sufficient size to accommodate two dwellinghouses and that they could be designed and sited within the site to respect the visual amenity of the surrounding countryside setting and listed buildings.

2.3.5. In light of the above, subject to details and specification of the proposed design and materials being suitably addressed through the ARC process, it is considered that the proposal is acceptable in terms of visual amenity and could be designed so as to not cause harm to the existing countryside landscape or listed buildings.

2.4. Residential Amenity

2.4.1. Policies 1 and 10 of the adopted 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. Furthermore, developments will only be supported where it will not have a significant detrimental impact on the amenity of the proposed land use in relation to, amongst others, noise pollution. PAN 1/2011, as well as Fife Council Planning Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distance Between Window Openings also apply in this instance

2.4.2. As this is an application for Planning Permission in Principle, a detailed assessment of the residential amenity impact of the development does not form a key part of the current application assessment and would be full addressed at ARC stage. Notwithstanding this, it is considered that the development site would be capable to accommodate a development which would not result in any significant detrimental impact with regard to residential amenity.

2.4.3. In light of the above, it is considered that the proposed development would be acceptable in principle with regard to residential amenity.

2.5. Road Safety

2.5.1. Policy 14 of NPF4 states that development proposals will be supported where they are consistent with the six qualities of successful places, one of which is connected - supporting well connected networks that make moving around easy and reduce car dependency. Furthermore, Policy 13 of NPF 4 states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- Will be accessible by public transport, ideally supporting the use of existing services;
- Integrate transport modes;
- Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- Adequately mitigate any impact on local public access routes

2.5.2. Policies 1 and 3 of the adopted FIFEplan 2017 state that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Furthermore, Policy 3 states development will only be supported where it has no road safety impacts. Making Fife's Places Transportation Development Guidelines (2018) also apply.

2.5.3. Letters of objection were received for this application which raised concern with the proposed development in terms of its implications on road safety, primarily due to the high level of pedestrians and cyclists which use Shore Road in addition to access concerns due to the narrow width of this road. Furthermore, objections raised concern with the sustainability of the site in terms of walkability and car dependency.

2.5.4. Vehicular access to the site would be via Shore Road to the west of the site leading from the C14 to the north-east. The C14 and Shore Road form part of the Fife Core Path Network. From the submitted location plan, the sites appear to be sufficient in terms of providing space for off-street parking, manoeuvring etc. Transportation Development Management were consulted on this application and advised that there are significant concerns with regard to how the construction phase of the development could be safely carried out without creating risks for users (both pedestrian and cyclists) due to the narrow width of Shore Road, in addition to the tight turn into Shore Road from the C14. Furthermore, concerns were expressed due to the lack of suitable alternative pedestrian/cycles routes during the construction phase given that Shore Road is a designated share use path and forms part of the national Cycle Route 76 along with the C14. As such, TDM recommend the application for refusal. Whilst maintaining adequate road safety during the construction stage is important consideration, these concerns alone would not warrant refusal in the interest of road safety and further details would be dealt with at ARC stage.

2.5.5. In light of the above, it is considered that the proposal would not have a significant detrimental impact with regard to road safety, and therefore comply with Policies 1 and 3 of the Adopted FIFEplan (2017) and NPF4 and is therefore deemed acceptable in this regard.

2.6. Low Carbon

2.6.1. Policy 1 of NPF4 states that when considering all development proposals, significant weight will be given to the global climate and nature crises. In addition, Policy 2 states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change. The Scottish Government advises in relation to Policy 1 and Policy 2 will be subject to further detailed advice and guidance and also the specific implications of NPF4 will be clarified through the review of Local Development Plans. As such the most appropriate policy position in relation to this issue is set out in FIFEplan Policies 1,3 and 11.

2.6.2. Letters of objection for the proposed development have raised concern as to whether the proposal would implement low carbon/energy efficient technology.

2.6.3. Policies 1, 3 and 11 of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place. The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal.

2.6.4. Applicants are expected to submit a Low Carbon Sustainability Checklist in support of their proposal. As this application is for planning permission in principle the applicant has provided a

statement on low carbon sustainability issues advising that the proposal would incorporate several renewable opportunities such as solar panels, photovoltaic panels, air source heat pumps etc.

2.6.5 Subject to a condition of planning permission requiring submission of the above checklist, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon and is therefore acceptable in this regard. This is however not considered to be a determining issue in this instance.

2.7. Drainage and Flooding

2.7.1. Policy 22 of NPF4 states a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.

Furthermore, Part D states that development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity. NPF4 states that development proposals will not increase the risk of surface water flooding to others, or itself be at risk.

2.7.2. Policy 1 and 3 states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Policy 12 of the FIFEplan advises that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.7.3 Letter of representation received for this application have objected to the proposed development due to concerns with flooding to the site in addition to the additional strain on the water supply to the surrounding properties.

2.7.4. As this application is for planning permission in principle, detailed information regarding SuDS etc. is not required. However given that a small portion of the site along the southern boundary and access road are situated within an area subject to risk of coastal flooding, a Flood Risk Assessment was submitted. SEPA were consulted on this application and raised no objections to the proposed development subject to the imposition of a condition requiring no built development or land raising to take place below 5.38mAOD. Fife Council's Structural Services team were consulted on this application and advised that there is a presumption against development within a site where flooding occurs during a 1 in 200-year event (plus current

allowances for climate change). In addition, Fife Council will not accept SuDS storage within a 1 in 200-year flood plan as during flood events the performance of the SuDS may be compromised and could lead to more extreme flooding of the site. FCSS also advised that the applicant must demonstrate how mitigations methods and flood resilient construction methods can be achieved. Due to the various concerns with the proposed development with regard to the unacceptability of the principle of development (as discussed in Section 2.2. above), in addition to flooding/drainage, it was not considered appropriate to request this further information from the applicant.

2.7.5. In light of the above, it is considered that on the basis of the information provided currently the proposed development would not comply with Policies 1 and 12 of the Adopted FIFEplan (2017), Policy 22 of NPF4 or Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements and is therefore considered unacceptable in this regard. Were the principle of development considered to be supportable on this site then further detailed technical information would have been sought to demonstrate that the proposal could be developed without risk from or exacerbate flood risk elsewhere. To that end it would not be appropriate to refuse the application on flood risk as insufficient evidence is available to conclude the matter.

2.8. Trees / Natural Heritage

2.8.1. Policy 3 of NPF4 advised that

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

(c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

2.8.2. Policies 1 and 13 of the Adopted Local Plan, amongst other criteria, advise that development proposals will only be supported where they protect or enhance natural heritage 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. This advice is mirrored in Fife Council's Planning Customer Guidelines on Trees and Development.

2.8.3. The site is located within the Upper Forth Local Landscape Area and currently is a mixture of grassland and trees/scrub. Furthermore, the Firth of Forth (Special Protection Area, Ramsar and Site of Special Scientific Interest), Torry Bay Local Nature Reserve and a number of woodland on the Ancient Woodland Inventory are within the immediate vicinity. Letters of objection received

for this application have raised concerns with the impact of the proposed development in terms of natural heritage / biodiversity, in particular the nearby SSSI.

2.8.4. Fife Council's Natural Heritage Office was consulted on this application and advised that they have no objections to the proposed development, subject to the submission of a species protection plans and a Preliminary Ecological Appraisal (PEA), to ensure the protection of the qualifying interests of the SPA, SSSI and Ramsar designations. The findings of which can be used to inform any additional surveys required for the site, in addition to any necessary mitigation / biodiversity enhancement measurements. Furthermore, Fife Council's Tree Protection Officer was consulted on this application and has requested the submission of an arboricultural impact assessment and tree protection plan. These matters would, however, be fully assessed at the ARC stage and conditions are recommended requiring that full details relating to the above are submitted with any future ARC application. The proposal, subject to these conditions, would therefore be acceptable in principle and would comply with Development Plan Policy in this respect.

2.8.5. In light of the above, subject to the above-mentioned conditions, it is considered that the proposed development is acceptable in principle in terms of the above provisions of policy in relation to trees and natural heritage. This is however not considered to be a determining issue in this instance.

2.9. Land Stability

2.9.1. The Land and Air Quality Team were consulted on the proposal and advised that they have no objections to the proposed development subject to the imposition of conditions to ensure a suitable Preliminary Risk Assessment is undertaken prior to development commencing on the site, in addition to any necessary remedial action being undertaken prior to occupation of the site. Furthermore, a condition is sought to ensure that Development Management is notified should any unexpected materials or conditions be encountered during the development.

2.9.2. The proposal site is situated within an area defined by the Coal Authority as a Development High Risk Area. The Coal Authority were consulted on this application and advised that based on the information submitted by the applicant, they have no objections to the proposed development, subject to the imposition of conditions regarding the carrying out of a scheme of intrusive investigations and any remedial works/mitigation measures, in addition to the submission of a signed statement confirming the site has been made safe and stable to the Local Planning Authority.

2.9.3. In light of the above, the proposal subject to condition would be considered acceptable in terms of land stability. This is however not considered to be a determining issue in this instance.

CONSULTATIONS

Scottish Environment Protection Agency	
Natural Heritage, Planning Services	No objection subject to conditions
Scottish Water	No objections
Land And Air Quality, Protective Services	No objection subject to conditions

TDM, Planning Services	Recommended refusal
Transportation And Environmental Services - Operations Team	No response
Structural Services - Flooding, Shoreline And Harbours	Development not supported / further information requested
The Coal Authority	No objection subject to conditions
Trees, Planning Services	No objection subject to conditions

REPRESENTATIONS

26 letters of support were received for this application which commented that the proposed development would enhance the appearance of the area and provide additional high-quality houses without impacting upon the character of the area and contributing to a perceived housing shortfall.

37 letters of objection were received for this application which raised the following concerns

- Road safety – This has been addressed in paragraph 2.5.4 above.
- Flooding – This has been addressed in paragraph 2.7.4. above.
- Non-compliance of the principle of development – This has been addressed in Section 2.2. above.
- Sustainability/low carbon technology – This has been addressed in paragraph 2.6.4 above.
- Design / visual impact of the proposal – This has been addressed in paragraph 2.3.4 above.
- Natural heritage - This has been addressed in paragraph 2.8.4 above.
- Additional strain on the electricity, waste, telecoms, water and internet access for the surrounding area – This is not a material planning consideration.

CONCLUSIONS

The development is contrary to the provisions of policy and guidance relating to the principle of development, road safety and flooding/drainage but accords with those provisions relating to residential amenity, visual amenity, trees/natural heritage, land stability and low carbon. Overall, it is considered that the proposed development is contrary to the development plan, in that it would lead to the coalescence of two distinct settlement groups contrary to the provisions of the cluster policy, with no relevant material considerations of sufficient weight to justify departing therefrom. The application is therefore recommended for refusal.

RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policies 16 and 17 of NPF4 and Policies 1, 7 and 8 of the Adopted FIFEplan (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.

National Guidance:

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

Development Plan:

- National Planning Framework 4 (2023)
- Adopted FIFEplan Local Development Plan (2017)
- Making Fife's Places Supplementary Guidance (2018)

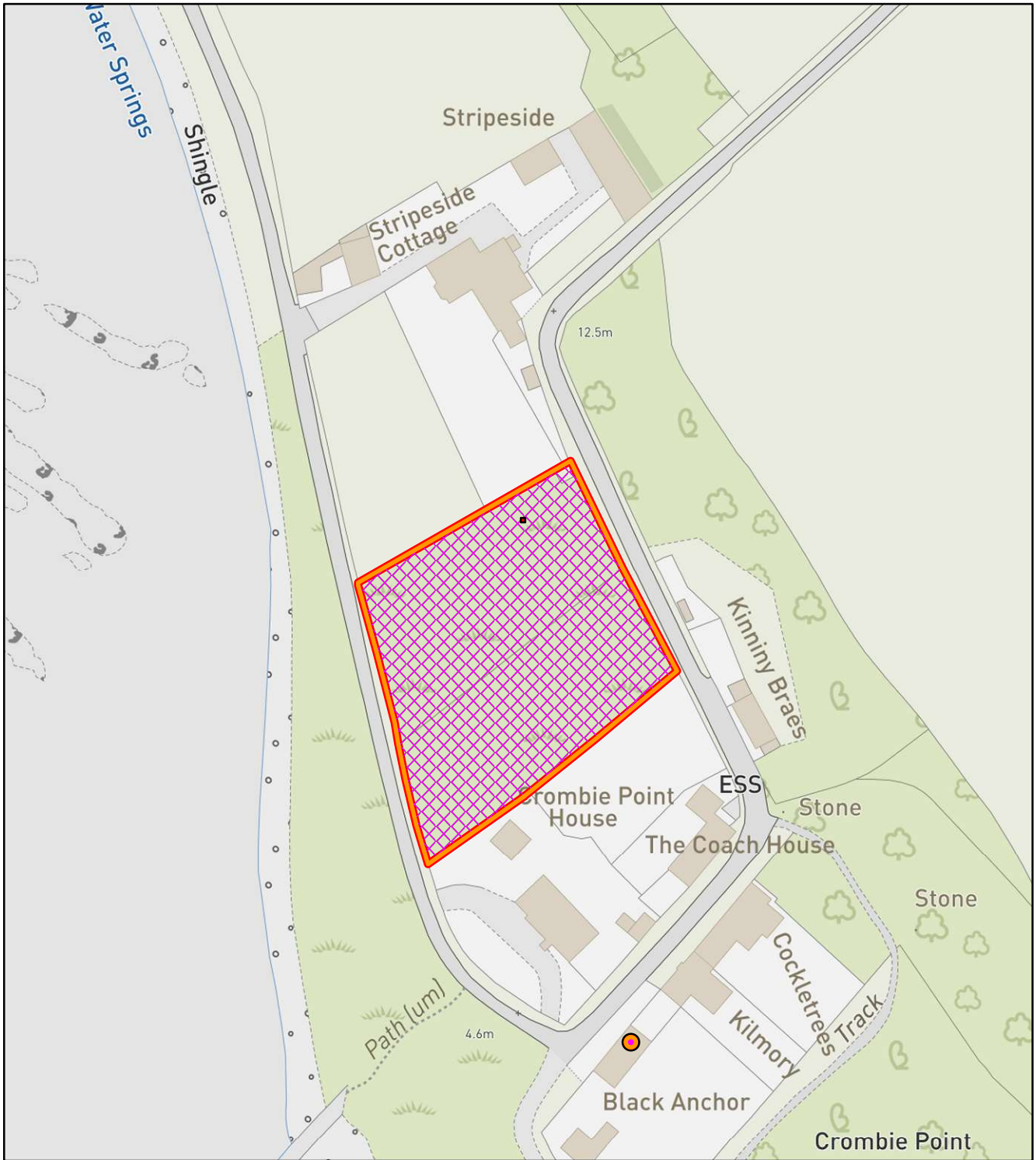
Other Guidance:

- Fife Council Planning Customer Guidelines on Garden Ground (2016)
- Fife Council Planning Customer Guidelines on Minimum Distance Between Window Openings (2016)
- Fife Council Planning Customer Guidelines on Daylight and Sunlight (2018)

Report prepared by Emma Baxter, Graduate Planner and Case Officer

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 6.3.23

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Legend			
	Application Boundary		