

Please note that this meeting will be held remotely.

Wednesday, 24th August, 2022 - 2.00 p.m.

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## AGENDA

### Page Nos.

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

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

**3. MINUTE** – Minute of the meeting of West and Central Planning Committee of 29<sup>th</sup> June, 2022. 5 - 6

**4. 22/01225/FULL - LAND TO THE SOUTH OF LOCHHEAD LANDFILL SITE** 7 - 26

Construction of an Energy Park comprising Solar Photovoltaic Array (PV) and Battery storage with export capacity of not more than 49.9MW, with associated substation, access road, landscaping and ancillary works.

**5. 21/03474/FULL - GRAZING LAND, KINROSS ROAD, LESLIE** 27 - 48

Major development for 44 affordable dwellinghouses with associated landscaping, open space, boundary treatments, roads, accesses, SUDS, allotments and community orchard.

**6. 22/00926/FULL - LAND TO THE EAST OF SANDPIPER DRIVE, DUNFERMLINE** 49 - 59

Erection of 10. no industrial units (Class 4, 5 and 6) and associated works.

**7. 21/03174/FULL - ALBERT HOTEL, NORTH QUEENSFERRY** 60 - 75

Change of use from hotel (Class 7) to 4 flatted dwellings (Sui Generis) and external alterations including the installation of windows, doors and glazed balconies.

**8. 21/03176/LBC - ALBERT HOTEL, NORTH QUEENSFERRY** 76 - 85

Internal and external alterations to form 4no. flatted dwellings including removal of signage and installation of windows, doors and 4 no. glazed balconies.

**9. 22/00590/FULL - LAND TO THE WEST OF CROSSFORD, CAIRNEYHILL ROAD, CROSSFORD** 86 - 92

Surface water drainage outfall pipe to serve the SUDs associated with application 21/01879/ARC.

	<u>Page Nos</u>
<b>10. 22/01418/FULL - LAND AT KINGSLAW, RANDOLPH ROAD, KIRKCALDY</b>	93 - 101
Approval of matters required by Conditions 1 (e) and 2 (a - f) and (h - i) of 19/01088/PPP for a neighbourhood centre development (including Class 1, 2, 3 and hot food uses) and associated access, parking and landscaping (Section 42 application to amend Condition 1 of 21/01265/ARC).	
<b>11. 22/01218/FULL - 25 MYRTLE WYND, DUNFERMLINE</b>	102 - 107
Two-storey extension to rear of dwellinghouse.	
<b>12. 22/01018/FULL - 17-19 EXCISE STREET, KINGCARDINE</b>	108 - 115
Alterations to and change of use from former public convenience (Sui Generis) to form dwellinghouse (Class 9) and associated development.	
<b>13. 22/01017/LBC - 17-19 EXCISE STREET, KINGCARDINE</b>	116 - 121
Conversion of former public convenience to form dwellinghouse.	
<b>14. 22/00181/FULL - 11A SCHOOL STREET, MARKINCH</b>	122 - 126
Installation of replacement windows to front and replacement of 2 windows with doors to rear of dwellinghouse.	
<b>15. 22/00182/LBC - 11A SCHOOL STREET, MARKINCH</b>	127 - 131
Listed Building Consent for installation of replacement windows to front and replacement of 2 windows with doors to rear of dwellinghouse.	
<b>16. 22/01168/FULL - 19 SOUTH FEUS, UPPER LARGO</b>	132 - 138
Installation of replacement windows and doors to dwellinghouse.	
<b>17. 22/00770/FULL - FORMER SEAFIELD COLLIERY SITE, SEAFIELD COURT, KIRKCALDY</b>	139 - 154
Creation of public footpath and installation of railings and gate.	
<b>18. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS</b>	
List of applications dealt with under delegated powers for the period 13 <sup>th</sup> June to 10 <sup>th</sup> July and 11 <sup>th</sup> July to 7 <sup>th</sup> August, 2022.	
Note - these lists are available to view with the committee papers on the Fife.gov.uk website.	

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

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17th August, 2022

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## 2022 WCPC 1

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

29th June, 2022

2.00 p.m. – 3.15 p.m.

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

**ATTENDING:** Mary Stewart, Service Manager, Declan Semple, Lead Officer and Jack Wilson, Graduate Planner, Planning Services; Mary McLean, Team Manager - Legal Services and Emma Whyte, Committee Officer, Legal and Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors Colin Davidson and Conner Young.

#### 1. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of Standing Order 7(1).

#### 2. MEMBERSHIP OF COMMITTEE

##### Decision

The Committee noted its membership as detailed on the agenda for this meeting.

#### 3. APPOINTMENT OF CONVENER

Councillor Glen, seconded by Councillor Alexander, moved that Councillor Barratt be appointed as Convener.

##### Decision

Councillor Barratt was appointed as Convener of the West and Central Planning Committee.

#### 4. APPOINTMENT OF DEPUTE CONVENER

Councillor Beare, seconded by Councillor McLelland, moved that Councillor Glen be appointed as Depute Convener.

##### Decision

Councillor Glen was appointed as Depute Convener of the West and Central Planning Committee.

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## 2022 WCPC 2

### 5. 21/01274/FULL - PITCONNOCHIE HOUSE, LUNDIN ROAD, CROSSFORD

The Committee considered a report by the Head of Planning relating to an application for the change of use of existing agricultural unit to Class 6 (Distribution and Storage).

#### **Decision**

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

### 6. 22/00286/LBC - LESLIE HOUSE, GLENROTHES

The Committee considered a report by the Head of Planning relating to an application for Listed Building Consent for changes to materials (18/02426/LBC).

#### **Decision**

The Committee agreed to refuse the application in the interest of preserving the character, setting and cultural context of the category A Listed Leslie House. The proposed use of Zinc (VM Zinc Athina ) would dominate and diminish the character, appearance and cultural significance of the category A Listed Leslie House and thereby fail to protect or enhance the building, contrary to SPP (2014), Policies 1 and 14 of FIFEplan ( 2017), Historic Environmental Policy for Scotland (2019) and Making Fife's Places Supplementary Guidance (2018).

### 7. 21/01282/FULL - 78 MUNRO STREET, KIRKCALDY

The Committee considered a report by the Head of Planning relating to an application for installation of replacement roof tiles, installation of french doors and replacement windows and external alterations to dwellinghouse.

#### **Decision**

The Committee agreed to approve the application unconditionally.

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

#### **Decision**

The Committee noted the lists of applications dealt with under delegated powers for the period 21st March to 12th June, 2022.

**ITEM NO: 4**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01225/FULL**

**SITE ADDRESS: LAND TO SOUTH OF LOCHEAD LANDFILL SITE FIFE**

**PROPOSAL : CONSTRUCTION OF AN ENERGY PARK COMPRISING SOLAR PHOTOVOLTAIC ARRAY (PV) AND BATTERY STORAGE WITH EXPORT CAPACITY OF NOT MORE THAN 49.9MW, WITH ASSOCIATED SUBSTATION, ACCESS ROAD, LANDSCAPING AND ANCILLARY WORKS**

**APPLICANT: DUNFERMLINE SOLAR LIMITED  
2ND FLOOR CARDINAL PLAN 100 VICTORIA STREET  
LONDON**

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

**CASE OFFICER: Martin McGroarty**

**DATE REGISTERED: 03/05/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

It is a Major application in terms of the Hierarchy of Developments.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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

## 1.0 BACKGROUND

1.1 The application site covers 46.1 Ha and is located on land at Lochhead, by Wellwood, which lies to the north of Dunfermline. The site comprises three fields currently in agricultural use, with the west and central fields used for grazing sheep and the easternmost field for arable crops. These are located on a gentle south facing slope. The site is historically brownfield as a former opencast coal mining area but has been restored to agricultural use.

1.2 The site lies to the south of the existing Lochhead Landfill Site, with vehicular access to the site proposed from the D10 Drumtuthill Road. The local road network comprises a mix of A, B and minor roads. This includes the A823 which lies approximately 300m to the east of the Application Site and the A907 which lies approximately 1km to the south. Drumtuthill Road runs along the northern edge of the Application Site and meets the A823 approximately 300m to the east. One Core Path, (R598 - Luscar Dean Link to Craigluscar) crosses the site north to south, in the western section of the site. The Baldrige Burn flows from the northern boundary across the site in a southerly direction along a tree lined ditch and joining a small pond outside the southern edge of the Application Site before heading west along the southern boundary of the site.

1.3 There are 4 residential properties in the vicinity of the site, which lie between 130m and 500m of the site edges.

1.4 The development is designed to generate clean, renewable electricity to feed directly into the National Grid, with the battery storage element of the proposal enhancing the development by providing the facility to store energy at times of low demand and feed that into the Grid at peak demand times, thus assisting in maintaining balance and stability in a National Grid increasingly reliant upon renewable sources. The proposed development will deliver a solar export capacity of up to 29.9MW with the potential to generate approximately 27.5GWh of renewable electricity annually. This is sufficient energy to power an estimated 7,000 households (Homes Powered Equivalent) per annum (based on average domestic household consumption of 3,748kWh (BEIS, 2021)). The carbon saving of the Proposed Development would be approximately 12,000 metric tonnes carbon CO<sub>2</sub>/annum. The lifetime carbon savings will be in the order of 360,000 metric tonnes carbon CO<sub>2</sub>.

## 2.0 APPLICATION PROCESS

2.1 With a maximum export capacity of 49.9MW capacity (above 20MW installed capacity, but below the 50MW capacity limit at which Section 36 Consent under the Electricity Act applies and supersedes the planning process), the development is a Major in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

2.2 As such, a Proposal of Application Notice (21/00330/PAN) was agreed with Fife Council on 10th February 2021 and the statutory minimum 12 week period subsequent to that was adhered to before this planning application was submitted, to allow for the carrying out of the statutory public consultation. The agreed public consultation was carried out during this period and a Pre-Application Consultation (PAC) Report was submitted with this planning application, also in line with the Regulations.

2.3 All properties within one square mile of the application site (260 addresses) were sent a postcard advising of the Proposal of Application Notice (PAN) events and proposal website. There were two PAN events for the proposed development, held virtually on the 25 February and 25 March 2021. Nine members of the public attended the events. Those that attended were either elected Members or members of the Community Council. Others were immediate neighbours.

2.4 Three Community Council areas are within or adjoin the application site, namely Milesmark and Baldrige, Wellwood, and Saline and Steelend. Copies of the Proposal of Application Notice (PAN) submission were sent to all three local Community Councils with the offer to meet directly and the applicant attended the Milesmark Community Council meeting on 23 April 2021 to explain the proposed development. All three Community Councils were re-engaged with in March 2022 to update them on proposals and the application submission.

2.5 The PAC report submitted in support of the application details all the consultation carried out and contains commentary on changes to the proposal that were made following discussions with the local community, which included amendments to the landscaping to accommodate wildlife considerations.

2.6 No representations or objections to this application from any source have been received.

### 3.0 THE PROPOSAL

3.1 The application site covers an area of 46 hectares for the proposed development, which is an electricity generating station comprising arrays of ground-mounted photo-voltaic (PV) solar panels with a combined generating capacity of up to 29.9MW and a Battery Energy Storage System (BESS) of up to 20MW capacity. An array is a pre-fabricated alloy metal frame mounting structure, onto which the solar panels are attached, and the panels themselves will be angled a maximum of 12 degrees to the horizontal. The maximum top height of the arrays will be 1.9m above ground level; minimum height of the lowest part of the arrays will be 0.6m. The solar panels will be orientated either south facing on a "fixed-tilt" mechanism, or east-west in a single axis tracking arrangement. There will be approximately 75,000 solar panels in total.

3.2 The development proposal also includes 12 lithium-ion battery units contained in 12 metallic containers mounted on a level permeable hard-core surface, extending to an area of circa 2,100sqm, within a compound enclosed by a 2m high mesh style perimeter fence. All battery units would arrive at the site pre-fabricated with self-contained temperature and protection equipment, along with power conversion units and transformers. The containers would have dimensions of approximately 12,500mm length x 2,500mm width. Colour is likely to be dark green to be agreed by way of a planning condition.

3.3 Further elements of the development comprise: 6 no. inverter stations, including transformer and protection equipment, to convert the direct current (DC) generated by the PV modules to alternating current (AC) which is compatible with export to the grid; One central operations and maintenance (O&M) building, to house the control and monitoring system, and provide work area for the O&M personnel; One substation, adjacent to the O&M building; 3 no. pole mounted CCTV security cameras; Ancillary works including access junction and access tracks; Temporary construction compound; Perimeter fencing; Sustainable Urban Drainage (SUDS) pond; associated landscaping; and underground cabling in the PV area. The proposed grid

connection point is at Townhill Substation approximately 1.5km east of the site. This connection will be subject to a separate consenting process.

3.4 Security fencing will be established around the edge of the solar array to prevent unauthorised access. The fence will stand up to 2m AGL (Above Ground Level) and is proposed to comprise standard stock mesh interspersed with wooden fenceposts, such that it has a rural character. Where required, this fencing will also be reinforced with wire weld mesh up to 0.5m AGL in order to prevent passage by badgers and other large animals, although the layout will allow for mammal access through several broad corridors.

3.5 A 5m double leaf access gate is to be provided at the site entrance. This will stand up to 2m AGL and is proposed to comprise rectangular hollow section (RHS) frame and weldmesh gates. For security and safety reasons the substation and O&M and BESS compound will be enclosed by a palisade fence up to 2.5m AGL. Closed Circuit Television (CCTV) will be deployed as a security measure. The CCTV will be mounted on posts each measuring 3m in height. The number of CCTV units will be minimised and will be dependent upon line of sight, however indicatively 3 cameras will be installed. The units will be installed inside and adjacent to the proposed security fencing with the exact locations to be confirmed prior to construction. The applicant has indicated that Interpretation Boards will be placed around the site to provide information to the public on solar power and the development itself.

3.6 The operational period of the array will be up to 30 years with provision for it to be decommissioned taking place on the expiration of the planning permission. The site will be restored within 6 months of this time unless planning permission is sought for the extension of the operational period. Any application for extension will be done in accordance with the legislation and regulations at the time of applying. If an extension for operation is not sought, then all equipment which is above ground will be removed from the site completely and the land reinstated to its existing agricultural use.

3.7 The planning application is supported by technical reports and an Environmental Statement, including:

- Cultural Heritage Assessment;
- Landscape Character & Visual Appraisal;
- Noise Assessment;
- Ecology and Habitat Survey;
- Drainage & Flood Risk Assessment;
- Planning, Design and Access Statement;
- Coal Mining Risk Assessment;
- Pre-Application Consultation (PAC) Report.

#### 4.0 ASSESSMENT

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

- Principle of the Proposed Development (Section 4.2)
- Loss of Prime Agricultural Land (Section 4.3)
- Amenity (Section 4.4)
- Ecology and the Natural Environment (Section 4.5)
- Landscape and the Built and Historic Environment (Section 4.6)

- Contaminated Land and Flooding (Section 4.7)
- Transportation and Access (Section 4.8)
- Sustainability (Section 4.9)

## 4.2 Principle of the Proposed Development

4.2.1 Scottish Planning Policy (SPP - 2014) national guidance paragraph 154 indicates that "the planning system should....support the transformational change to a low carbon economy, consistent with national objectives and targets..." and "...support the development of a wide range of electricity generation from renewable energy technologies..." Potential impacts on the environment from the proposal must be taken into account in assessing the planning application. The SESPLAN policies broadly reinforce the SPPs commitment to sustainable energy production and the move to a low carbon economy.

4.2.2 The Scottish Government's Energy Storage: Planning Advice document (2013) states that energy can be stored at variable scales, for both electricity and heat, in a number of ways, through technologies such as hydro pumped storage, hydrogen and fuel cells, compressed air and cryogen. The document states that a clear case has been made that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production, and can provide energy on demand off-grid in a variety of ways. Oversupply is likely to become more prevalent the closer Scotland gets to realising its 100% electricity from renewables target. It is also expected that energy storage will be essential if Scotland is to realise its ambition to become a renewable energy exporter and to attract the economic advantages of ensuring that the energy storage supply chain locates in Scotland. The document also advises that Planning Authorities should in deciding applications for all renewables types consider the potential for energy storage such as hydrogen and fuel cell storage, within the site or in accessible nearby sites or within transitional technologies and that they should encourage new developments to plan for energy centres incorporating transitional technologies which give the potential for energy storage linked to renewable storage at a future date.

4.2.3 FIFEplan Policy 1 is divided into three parts. It provides support to development proposals which meet one of the points in Part A and conform to all applicable requirements in Parts B and C. Part A criteria 1 supports the principle of development where the proposed use is supported by the Local Development Plan. Policy 7: Development in the Countryside indicates that "development in the countryside will only be supported where it...is for other development that demonstrates a proven need for a countryside location". Policy 11: Low carbon Fife indicates that "Development of low carbon energy schemes such as wind turbines, district heating, solar arrays, or energy from waste will be supported provided the proposals do not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated, giving due regard to relevant environmental, community and cumulative impact considerations."

4.2.4 The proposed solar array is required to generate clean, renewable electricity to feed directly into the National Grid, with the battery storage element of the proposal enhancing the development by providing the facility to store energy at times of low demand and feed that into the Grid at peak demand times, thus assisting in maintaining balance and stability in a National Grid increasingly reliant upon renewable sources. This is in line with national policy to address the declared Climate Emergency and slow down the impact of global warming and aligns with Fife Council's own declaration of a Climate Emergency in 2019. With respect to the need for the development to be in the countryside, at 46.1 Ha a significant area of land is required for the

proposed development, which is not readily available within settlement boundaries, and this particular location meets key criteria for the development of solar farms such as:

- accessibility of nearby connection to the National Grid;
- lack of significant numbers of sensitive receptors;
- the site is free from constraints such as statutory environmental designations; and
- the site has a willing landowner.

It can also be inferred from the special dispensation given in Policy 7 to renewable energy projects located on Prime Agricultural Land that renewable energy proposals such as this are considered to be appropriate development in the countryside.

4.2.5 Taking all of the above into account, the principle of the proposed development accords with the Development Plan policy framework covering the site as identified in SESPlan Strategic Development Plan and the adopted FIFEplan Local Development Plan. This is subject to compliance with other elements of the planning policy framework covering the site, and these matters are considered in the following sections of this Committee Report.

### 4.3 Loss of Prime Agricultural Land

4.3.1 SPP 2014 (Promoting Rural Development), Policies 1 and 7 of FIFEplan Local Development Plan (2017) and Low Carbon Supplementary Guidance (2019) apply with regard to the loss of prime agricultural land.

4.3.2 SPP 2014 (Promoting Rural Development) recommends that development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential... for the generation of energy from a renewable source... where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

4.3.3 Policy 1 of the Adopted FIFEplan Local Development Plan sets out that in the case of proposals in the countryside or green belt, development must be a use appropriate for its location. Policy 7 of FIFEplan 'Development in the Countryside' indicates that development on prime agricultural land will not be supported except where it is essential... for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is a commitment to restore the land to its former status within an acceptable timescale.

4.3.4 Fife Council's Low Carbon Supplementary Guidance (2019) document sets out the level of information expected to be submitted where solar farm developments are proposed on prime agricultural land - the level of information varies depending on the designation. For the development of Code 2 agricultural land, the Supplementary Guidance advises that this should normally be avoided, with clear justification required to justify the benefits of the development and why the land should be taken out of full agriculture use. For the development of Code 3.1 agricultural land, the Supplementary Guidance requires an applicant to provide, among other criteria, an explanation of why the development needs to be located on the site and not on land of a lesser agricultural classification within the area.

4.3.5 In this proposal, the majority of the 46.1 Ha site is identified as Land Capability Code 3.2 (non-prime agricultural land) by the Hutton Institute, with two smaller sections of the site to the west of the site identified as Code 888 (built-up area) where the former opencast workings were infilled. No part of the proposal site involves the use of prime agricultural land.



4.3.6 Given the above, therefore, the proposal accords with the national and local development policy framework with respect to prime agricultural land.

#### 4.4 Amenity

4.4.1 SPP (Policy Principles) states that the aim of the Planning system in Scotland is to achieve the right development in the right place, not to allow development at any cost. In pursuit of this, development proposals must protect the amenity of existing development and consider the implications of development. Policy 1 (Part B)(6) of the adopted FIFEplan seeks to protect the amenity of the local community and Policy 10 then expands on the range of considerations to be examined.

4.4.2 As indicated in paragraph 1.3 of this Report of Handling, there are 4 residential properties in the vicinity of the site. Nether Rosebank lies around 130m to the south of the site; Bonnyton Lodge lies around 200m to the west of the site across Craighluscar Road; a private property lies around 300m to the east of the site on the A823; and Colton House is further west again across the A823, lying around 500m from the site edge.

4.4.3 Construction impacts are considered to be the main potential impacts on amenity, but a requirement for a Construction Environmental Management Plan (CEMP) as a condition of planning permission is sufficient to control any potentially adverse amenity impacts occasioned during the construction period. Fugitive dust has the potential to be an issue in very dry conditions, but the remote location of the site and adherence to best working practises detailed in the CEMP to safeguard amenity will be sufficient to mitigate this potential negative impact of the proposed development. In terms of nuisance, noise is unlikely to be a significant factor in this location and, again, adherence to good site practises and the use of a planning condition to set noise limits are expected to reduce noise impact further.

4.4.4 Once operational, the proposed solar farm would not be expected to cause any noise impacts for the four noise sensitive properties identified in paragraph 4.4.2 of this Report of Handling. Fife Council's Public Protection Team was consulted on the proposal and is content with the Noise Assessment submitted by the applicant in support of the application, which indicates that there will be no unacceptable noise impact caused by the development.

4.4.5 FIFEplan Policy 10 Amenity indicates 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: ... 3. ... light... pollution and other nuisances."

4.4.6 With regard to potential light pollution, there are two possible sources in the form of reflected sunlight from the PV panels and from site compound lighting. With regard to the former, often referred to as "glint and glare", this will be minimised as the solar panels will be erected on a fixed axis and have an anti-reflective coating to mitigate the risk of reflected light being a nuisance. An operational site lighting scheme will be required as a condition of planning permission to ensure that no light pollution causes amenity impacts to sensitive receptors, or impacts upon any existing natural habitats. Site security is provided by the use of security fencing and CCTV cameras, which are capable of operating effectively in low-light conditions.

4.4.7 No potential impacts from any other sources, such as odour, are expected to arise as a result of the development. Landscape and visual impacts are discussed in Section 4.6 of this Committee Report.

4.4.8 Fife Council's Public Protection and Land and Air Quality Teams have been consulted on the proposal and offer no objection to the application. The proposed development, subject to appropriate conditions, would therefore comply with the Development Plan and other guidance with respect to amenity issues.

#### 4.5 Ecology and the Natural Environment

4.5.1 The SPP (Valuing the Natural Environment) indicates that planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.

4.5.2 As well as the development principles set out in FIFEplan Policy 1 (Part B), the proposed development has been considered in the context of FIFEplan Policy 13 (Natural Environment and Access). This policy requires new development to protect or enhance natural heritage assets, with suitable measures applied to mitigate any impacts satisfactorily. In this instance the applicants have carried out various species surveys and have consulted key specialists, with up to date information on the natural environment having been submitted as part of the applicant's submission.

4.5.3 Consultation with NatureScot was undertaken after completion of an Extended Phase 1 Habitat survey in June 2020 noted that the site and surrounding area may be suitable for a number of migratory wintering bird species such as geese and swans. Given that the application site is less than 6 km from the Firth of Forth, and around 10km from Loch Leven (which are SSSIs, Special Protection Areas and Ramsar sites), a Habitats Regulations Appraisal was carried out which, having taken into account the nature of the development, the distance from Loch Leven, and the details contained in the applicant's Ecological Appraisal submitted in support of the planning application, concludes that the proposed development would not adversely impact on any qualifying species for the European designations at Loch Leven. NatureScot confirmed in March 2021 that there would be no requirement for further assessments as there appears to be suitable improved pasture foraging areas for Pink Footed Geese in the landscape surrounding the proposed development footprint.

4.5.4 NatureScot has no objection to the proposal therefore, expressing strong support for the applicant's proposals for hedge and tree planting, and requesting that these proposals, which are integrated into the design and layout of the solar farm to make the most of opportunities to maximise positive effects for biodiversity, are secured by condition of any planning permission granted. NatureScot also recommends that (native) fruit and berry bearing species are included in the hedge and tree planting mix, whilst native wildflower meadows should be planted around the solar panels themselves - this significantly enhances biodiversity (pollinators, invertebrates and birds all benefit) whilst reducing the maintenance of the site (in particular, grass-cutting, with a cut and removal only required once, in late summer). These biodiversity enhancements can all be secured by condition of planning permission.

4.5.5 Further survey requirements arising from the Extended Phase 1 Habitat Survey also included a Preliminary Bat Roost Assessment (PRA). The PRA was undertaken for all mature trees within 30m of the development area in order to fully assess potential bat presence such that any further survey work would be agreed, and effects on layout / design could be

established. The PRA determined there will be no disturbance to bat roosts as there is a 20m buffer maintained around the trees classed as having 'high' and 'moderate' bat roost potential.

4.5.6 A desk study identified that one area of woodland in close proximity to the site is included on the Ancient Woodland Inventory. No other designated sites are in proximity and a limited range of species is present. No dedicated surveys for badger, red squirrel or herptiles are considered necessary and the proposed security fencing and landscaping arrangement makes provision for badgers and other mammals in the form of breaks and passageways.

4.5.7 Taking all of the above into account, the proposed development would therefore accord with the Development Plan and other guidance in the context of ecology and the natural environment.

#### 4.6 Landscape and the Built and Historic Environment

4.6.1 FIFEplan Policy 10 Amenity indicates 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: ... 7. The visual impact of the development on the surrounding area."

4.6.2 The applicant has submitted a Design and Access Statement in support of this application, which summarises the key design principles as follows:

- to develop a layout that minimises potentially adverse environmental effects;
- to develop a layout that is contained within the existing field pattern of the site;
- to minimise visibility of ancillary infrastructure (including the BESS) by locating it at lower elevations and centrally within the site such that it benefits from screening by existing vegetation and the solar photovoltaic panels;
- to minimise requirements for existing vegetation to be removed and maximise opportunities for landscape and ecological enhancement and biodiversity net gain;
- to ensure (where technically feasible) that materials and finishes reflect the local vernacular and are appropriate to the semi-rural location;
- to maximise renewable energy yield from gently south facing land;
- to ensure sufficient buffer to residential development to the south on the Dunfermline urban edge;
- to create a minimum 10m buffer around the gas pipeline which runs along the northern site boundary; and
- to incorporate and enhance an existing Core Path alignment.

4.6.3 Information relating to the visual impact on the local area has been submitted with the planning application, in the form of a Landscape and Visual Impact Assessment (LVIA), including photomontages and visualisations of how the development would look once developed. The LVIA concludes that notable overall effects on the relevant landscape character types would be Moderately/Minorly adverse, with the greatest effects on visual receptors occurring for users of the 500m section of the Core Path that runs through the site. Effects for users of Drumtuthill Road and Craigluscar Road (within 0.1km of the site edges) would be neutral, as views would largely comprise maturing hedgerows rather than solar farm infrastructure. Elsewhere, effects on visual receptors would be moderate or lower, and beyond 1km (including effects on designated landscapes, the site effects would be negligible.

4.6.4 Existing perimeter and field boundary trees and hedge rows already provide natural screening. These areas would be retained and managed. The proposed landscape planting and habitat enhancements would be wholly contained within the existing field pattern, with a historic field boundary also being reinstated, integrating well with the wider green network. Existing vegetation within the site would be almost entirely retained with existing hedgerows gapped up.

4.6.5 The landscape within the site and the surrounding landscape is not covered by any national or local designation related to landscape quality. The site and surrounding landscape do not contain any particularly rare or important examples of landscape elements or features that would be impacted by the proposed development. At the end of the development's design life, the site would be dismantled and restored to its current condition, so the effects of the scheme are reversible and therefore there would be no residual adverse landscape or visual effects.

4.6.6 Fife Council's Urban Design specialist has been consulted on the LVIA, and considers that the landscape has the ability to accommodate the changes associated with the proposed development without significant harm, and that the visual amenity impact from key views, settlements and individual dwellings would be localised, and significantly reduced through the proposed mitigation measures.

4.6.7 With particular regard to the stretch of Core Path affected by the development, Fife Council's Urban Design specialist considers that the proposals to provide a corridor with hedgerows and trees to screen the solar panels is an appropriate means of retaining this important resource. Retention of this core path alignment will also break the development into two sections, with a green corridor following the line of the path, which would help mitigate the wider visual impact. Whilst acknowledging that there will be significant visual impact on this short stretch of footpath, the landscape proposals (a 3-4m high hedgerow) would make a significant contribution towards mitigating the impact and allowing the development to sit reasonably comfortably next to the Core Path.

4.6.8 The particular treatment of the Core Path area as proposed was agreed with Fife Council's Countryside Officer in advance of the application being submitted.

4.6.9 With respect to the built and historic environment, Fife Council's Archaeologist notes that the site is of limited archaeological potential as a result of coal mining operations over the 18th, 19th and 20th centuries and offers no objection to the proposed development, indicating that no archaeological works would be required should Members resolve to approve this application.

4.6.10 With regard to the Built Heritage, there are no statutory cultural heritage receptors within the site, which as previously noted, has previously been opencast. Three Scheduled Monuments and 24 Listed structures are located within 2km of the site boundary. The nearest Listed Building is Colton House (Category C) which lies approximately 500m to the east, but which is screened from the site by extensive woodland cover. Whilst all three Scheduled Monuments may have some visibility of the proposed development, there is considered to be very low visibility from the Listed structures. The assessment undertaken by the applicant determines that no statutory designated or non-designated cultural heritage receptors will experience direct effects as a result of the proposed development and no cultural heritage receptors within a 2km radius will experience significant indirect effects in relation to setting.

4.6.11 Fife Council's Built Heritage Team agrees with the applicant's assessment of the impact on the built heritage, which confirms that there would be no direct impacts, and that there would be no significant impact on the setting of five listed buildings which could have been affected, the

others being screened. It is therefore concluded that the proposed development would not adversely affect the cultural significance of the built heritage and historic environment in the vicinity of the proposal site.

4.6.12 There are, therefore, no issues of visual impact to address, nor any concern that there will be a significantly negative impact on how the site is perceived in the landscape, nor any concern for significantly adverse impacts on the built and historic environment arising from approval of the development. The proposed development therefore complies with the Development Plan framework and other guidance in these respects.

#### 4.7 Contaminated Land and Flooding

4.7.1 The SPP does not isolate the issue of contaminated land or land stability in terms of policy guidance. It is a technical constraint affecting the form and scale of development and is addressed by Planning Advice instead. PAN 33 Development of Contaminated Land advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use.

4.7.2 Adopted FIFEplan Policy 10 includes references to the need to consider contaminated land issues and the need to address potential impacts on the site and surrounding areas, indicating specifically 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: ... 2. Contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area".

4.7.3 With regard to land quality, Fife Council's Land and Air Quality team notes that much of the site has been subject to opencast coal mining but advises that, if any unexpected conditions are encountered during any subsequent development work at this site, e.g. made ground / gassing / odours / asbestos or hydrocarbon staining, Fife Council as Planning Authority should be informed, since a Site Specific Risk Assessment may be required. The Land and Air Quality team recommends the use of a planning condition to cover this eventuality.

4.7.4 The site lies within the Coal Authority's Development High Risk Area for potential impacts due to the legacy of coal mining in the area; specifically, probable shallow coal workings, former mine entries and extensive opencast coal mining across the site. The applicant's submitted Coal Mining Risk Assessment confirms that, whilst there is potential for the proposed development to be affected by legacy of coal mining in the area, the nature of the majority of the development (i.e. lightweight solar photovoltaic panels) means that the risks attached to their development is low. For heavier structures such as the substation compound, the risk is slightly greater (particularly in the easternmost field) and normal engineering calculations would have to take place prior to their development to prove ground stability. The proposed development layout is cognisant and reflective of the fact that heavier structures are not recommended to be sited in the easternmost field. As with all development in former mining areas, developers should be mindful of the potential for mine gases to be present, particularly where there are structures in which such gases could collect. In this case, this is particularly relevant to the substation compound. The Coal Authority has been consulted on the submitted Coal Mining Risk Assessment and does not object to the application subject to planning conditions requiring intrusive site investigations to take place before any development begins on site. It is therefore

considered that the content and conclusions of the Coal Mining Risk Assessment submitted by the applicant are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development.

4.7.5 FIFEplan Policy 12 Flooding and the Water Environment indicates that "development proposals will only be supported where they can demonstrate that they will not...increase flooding or flood risk from all sources..." or "detrimentally impact on future options for flood management..." Fife Council's Structural Services' Harbours Flood and Coast team has been consulted on the application and it has no objection to the proposal.

4.7.6 Major pipelines operated by Scottish Gas Networks and INEOS run east-west along the northern part of the site. The applicant has submitted a Pipelines Consultation report with this application, has been in discussion with the pipeline operators and the final proposed layout incorporates a 10m buffer between the pipelines and any development.

4.7.7 The proposed development therefore, subject to conditions, complies with the Development Plan and other guidance in respect of contaminated land and flooding issues.

#### 4.8 Transportation and Access

4.8.1 FIFEplan Policy 10 Amenity indicates 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: ... 4. Traffic movements... 6. Construction impacts..."

4.8.2 A Transport Assessment submitted with the planning application details the traffic and transport impact of the proposals during the construction phase and once the solar arrays are operational. As expected, the ongoing impact of maintenance visits to these types of facilities (once constructed) have a negligible impact on the surrounding public road networks. In terms of the construction phase, which is anticipated to take around 6 months in total, 3 HGV deliveries and 12 low loaders/private vehicles would be required daily during the construction phase. Once the Proposed Development has been constructed and is operational, no significant traffic movements are expected. Maintenance and security staff will be the main visitors travelling via car or light van. Pedestrian access to operational areas of the Proposed Development will be restricted for health and safety and security purposes although access to the Core Path running through the site will be maintained.

4.8.3 Fife Council's Transportation Development Management (TDM) Team has been consulted on the proposal and notes that the applicant has indicated that all construction traffic would be expected to arrive and depart via the A823 and the D10 public road. However, TDM's expectation would be that all construction traffic would travel to and from the site via the M90 Junction 4 (Kelty Interchange), B914, B915, A823 and then the D10 with the reverse of that route when leaving the site. This matter can be addressed within a Construction Traffic Management Plan (CTMP), the requirement for which would be a condition of any planning permission granted. TDM is content with the remainder of the information submitted in support of the application and has no objection to the proposal, subject to planning conditions being applied.

4.8.4 As indicated in paragraph 1.2 of this Report of Handling, a Core Path, (R598 - Luscar Dean Link to Craiguscar) crosses the site north to south, in the western section of the site. A 5m buffer has been implemented around this path and local access will be maintained for the

duration of the operation of the proposed development although, during construction and decommissioning, temporary access arrangements will be agreed with Fife Council for safety reasons. This is a matter which can be secured by condition.

4.8.5 Fife Council's Transportation Development Management Team has been consulted on the proposal and is content with the information submitted in support of the application, subject to planning conditions being applied. The proposed development therefore complies with the Development Plan framework and other guidance in respect of transportation and road safety matters.

#### 4.9 Sustainability

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

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

4.9.2 As indicated in paragraph 4.2.2 of this Committee Report, a clear case has been made in national guidance that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production, and can provide energy on demand off-grid in a variety of ways.

4.9.3 Policy 11 (Low Carbon) of the Adopted Local Plan states that development of low carbon energy schemes such as wind turbines, district heating, solar arrays, or energy from waste will be supported provided the proposals do not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated, giving due regard to relevant environmental, community and cumulative impact considerations while. Fife Council agreed to declare a climate emergency for Fife on 26 September 2019 and recent events such as the COP26 UN Climate Change Conference in Glasgow have reiterated the requirement for new development proposals to be mindful of how they impact, positively or negatively, on climate change. Low Carbon Fife Supplementary Guidance (2019) provides more detail on this. Given that this proposal is for solar energy production and storage technology, designed to support the national grid in its journey to providing electricity from 100% renewable sources, complies with the relevant policy considerations for this area, and mitigation measures are proposed to enhance and mitigate against any environmental, visual or amenity issues, the proposal is considered to comply with Policy 11 of the Adopted FIFEplan and national guidance.

### CONSULTATIONS

NatureScot	No objection, subject to conditions.
Directorate Of Airspace Policy	No response received.
Edinburgh Airport	No objection.

Archaeology Team, Planning Services	No objection.
Built Heritage, Planning Services	No objection.
Natural Heritage, Planning Services	No response received.
Urban Design, Planning Services	No objection.
Land And Air Quality, Protective Services	No objection, subject to conditions.
Structural Services - Flooding, Shoreline And Harbours	No objection.
Environmental Health (Public Protection)	No objection.
Transportation, Planning Services	No objection, subject to conditions.
Parks Development And Countryside	No response received.
The Coal Authority	No objection, subject to conditions.
Scottish Water	No objection.

## REPRESENTATIONS

No representations have been received in relation to this application.

## CONCLUSIONS

The principle of this development in this location is considered acceptable in meeting the terms of the Development Plan and national guidance related to the provision of solar farms. Approval of the development would result in a significant step forward in addressing the global climate emergency by assisting the National Electricity Grid to become more reliant on renewable sources of electricity generation and storage. The development can be carried out without unacceptable impacts on the local environment or residential amenity, and no matters of road safety, contaminated land or flooding are raised by the development. There are no issues of visual impact to address, nor concerns for the built and historic environment arising from an approval of this application.

## RECOMMENDATION

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

1. BEFORE ANY WORKS START ON SITE, visibility splays 3 metres x 210 metres shall be provided and maintained clear of all obstructions exceeding 1m in height above the adjoining road channel level, at the junction of the site access and the public road (D10), in accordance with the current Fife Council Making Fife's Places Appendix G. 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.

2. BEFORE ANY WORKS START ON SITE, the vehicular access bellmouth shall be constructed/reconstructed in accordance with the current Fife Council Making Fife's Places Appendix G.



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

3. BEFORE ANY WORKS START ON SITE, a Construction Traffic Management Plan (CTMP) shall be submitted for the prior written approval of Fife Council as Planning Authority. The CTMP shall consider the proposed haul route or routes for HGV trips (M90 Junction 4 Kelty Interchange (B914, B915, A823 and then the D10 with the reverse of that route when leaving the site) and contain details of the proposed wheel cleaning facilities. The wheel cleaning facilities shall be provided and maintained in operational condition 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.

4. BEFORE ANY WORKS START ON SITE, a Construction Environmental Management Plan (CEMP), designed to ensure appropriate environmental management practices are applied, shall be submitted to Fife Council as Planning Authority for its written approval. The CEMP shall include proposed hours of deliveries and construction work, as well as details of how potential noise and dust nuisance during construction will be mitigated. Once agreed, operations shall adhere to the provisions of the CEMP throughout the construction period.

Reason: In the interests of best environmental practice and to protect residential amenity.

5. BEFORE ANY WORKS START ON SITE, details of the numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earth-mounding and the phasing of the site, 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 commissioning of the development, whichever is sooner, and all landscaping works shall be carried out as specified in the approved Stephenson Halliday Landscape Plan (Drawing 0130-DSF-L-001, dated April 2022), including the maintenance of existing hedgerows, the planting of new hedgerows, and the planting of native wildflower meadows around the solar panels (modified, if required, to accommodate the requirements of condition 1 of the planning permission hereby granted).

Reason: In the interests of amenity and the environment; to ensure that the biodiversity benefits of the Landscape Plan agreed between the applicants, Fife Council and NatureScot are secured for the long term.

6. 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, unless otherwise agreed in writing by Fife Council as Planning Authority.

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

7. BEFORE ANY WORK STARTS ON SITE, details of the colour finishes of the Operation and Maintenance building, the Invertors, and the Battery Energy Storage System containers, all

hereby approved, shall be submitted for the prior written approval of Fife Council as Planning Authority.

Reason: In the interests of amenity, to minimise the visual impact of the development in the landscape.

8. BEFORE ANY WORKS START ON SITE, a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity. Should any remediation work and/or mitigation measures to address land instability arising from coal mining legacy be deemed to be necessary as a result of those intrusive investigations, such works shall be implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and any remedial works required shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that any potential hazards associated with the legacy of coal mining are adequately identified and planned for before development commences.

9. 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 for the prior written approval of Fife Council as Planning Authority. 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 that potential hazards associated with the legacy of coal mining are adequately identified and planned for before the development is brought into use.

10. PRIOR TO THE COMMISSIONING OF THE DEVELOPMENT HEREBY APPROVED, an Operational Lighting Scheme, specifying the detail of any artificial lighting to be used on site during the life of the planning permission hereby approved, shall be submitted for the prior written approval of Fife Council as Planning Authority. The Lighting Scheme should take cognisance of measures to protect existing natural habitats, such as the guidance contained within the "Bats and Lighting Guidance" document (ILP, 2018)  
<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

Reason: In the interests of residential amenity and ecology.

11. WHERE ANY WORKS ARE TO BE CARRIED OUT BETWEEN THE MONTHS OF MARCH TO AUGUST INCLUSIVE, pre-start survey checks should be carried out by a suitably qualified ecologist to assess the presence of nesting birds, and recommend appropriate mitigation of works to protect potentially affected species.

Reason: In the interests of protecting nesting birds from adverse effects of site development works.

12. Works on site for both the construction and decommissioning phases shall be carried on in accordance with best practice to avoid disturbance of nesting birds, pollution and contamination of the ground, and such that there shall be no adverse impact on established tree or hedge roots, and all excavations, such as cable trenching or drainage, shall be carried out with appropriate precautions taken to avoid inadvertent entrapment of wild life.

Reason: In the interests of protecting the ecology of the site and surrounding area.

13. IN THE EVENT THAT CONTAMINATION IS ENCOUNTERED not identified by the developer prior to the grant of this planning permission, all development works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

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

14. The permission hereby granted shall be for a period of 30 (thirty) years from the date of energisation of the project (such date to be notified in writing in advance to Fife Council as Planning Authority) and, on expiry of that period, the solar farm, battery storage and all ancillary equipment shall be dismantled and removed from the site within the following six months and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority, taking into account the provisions of conditions 15 and 16 of the planning permission hereby granted, all unless retained with the express prior planning application approval of Fife Council as Planning Authority.

Reason: In the interests of visual amenity; in order that the Planning Authority retains control of the site after the period of planning permission expires.

15. 12 months prior to the decommissioning of the solar farm and battery storage facility, an ecological survey, carried out by a suitably qualified ecologist, shall be submitted for the prior written approval of Fife Council as Planning Authority, identifying any ecological constraints arising from decommissioning activities, any areas where new habitats that may have established need to be retained, and where any unavoidable loss of new habitat occasioned by decommissioning activities may need to be compensated for (on or off-site).

Reason: In the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

16. 6 months prior to the decommissioning of the solar farm and battery storage facility, a decommissioning and site restoration scheme shall be submitted for the prior written approval of Fife Council as Planning Authority, detailing how plant and equipment located within the site of the development hereby approved would be decommissioned and removed, informed by the ecological survey required by condition 15 of the planning permission hereby approved.

Reason: In the interests of visual amenity; in order that the Planning Authority retains control of the site after the development period expires and in the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

17. UNLESS OTHERWISE AGREED IN WRITING WITH FIFE COUNCIL AS PLANNING AUTHORITY, if the solar farm and battery storage facility fails to export electricity to the grid for a continuous period of 12 months, the Company shall; (i) by no later than the date of expiration of the 12 month period, submit a scheme to Fife Council as Planning Authority setting out how the solar farm and battery energy storage facility and its ancillary equipment and associated infrastructure shall be removed from the site and the ground fully restored; and (ii) following written approval of the scheme by Fife Council as Planning Authority, implement the approved scheme within six months of the date of its approval, all to the satisfaction of Fife Council as Planning Authority.

Reason: In the interests of maintaining adequate control of the solar farm and battery storage facility should it become redundant, and to ensure that the site is restored.

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

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

National Guidance:

SPP - Scottish Planning Policy (2014)

The Scottish Government's Energy Storage: Planning Advice (2013)

Development Plan:

SESPlan Strategic Development Plan (2017)

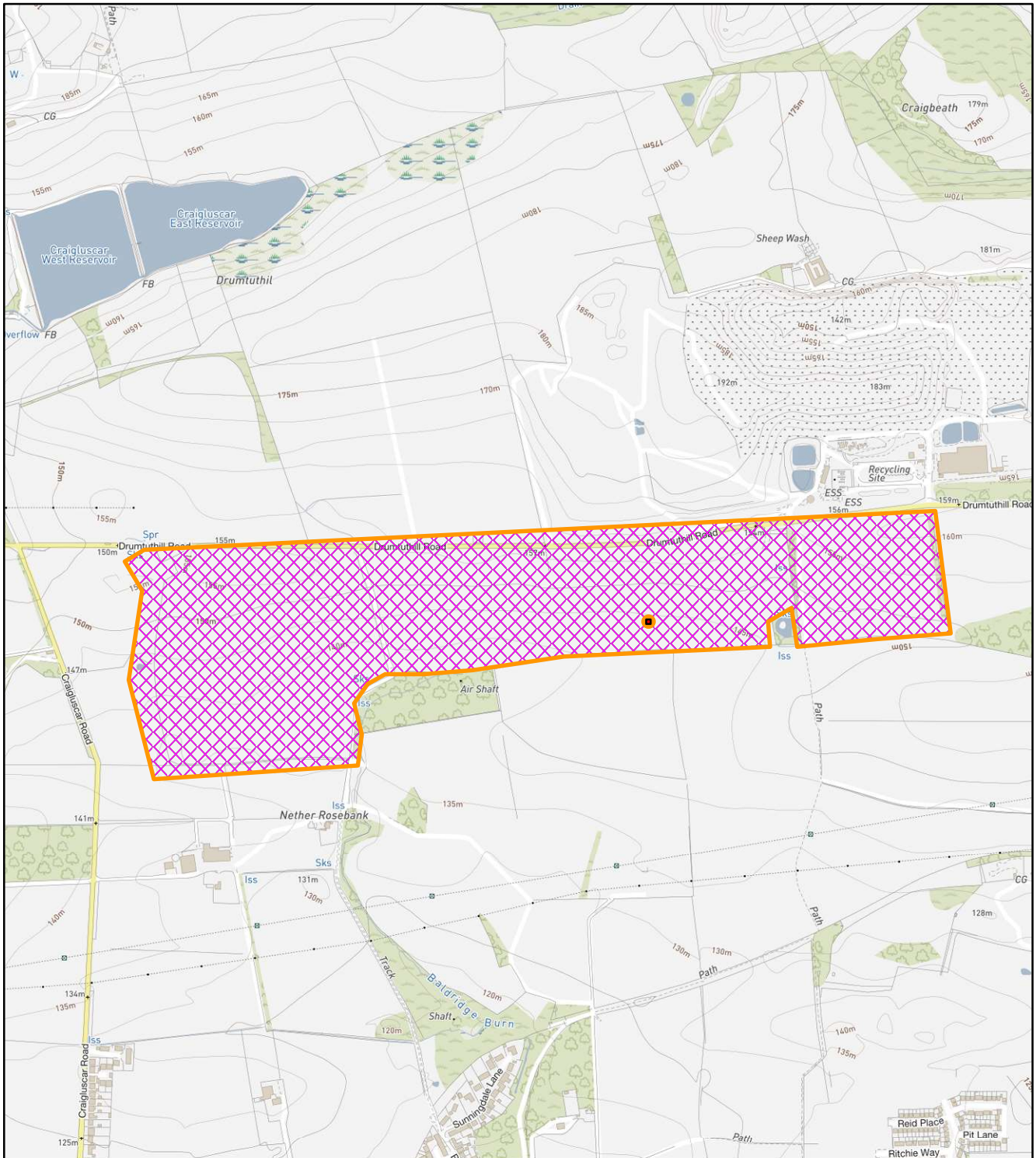
FIFEPlan (2017)

Report prepared by Martin McGroarty. Lead Officer

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

Date Printed 25/07/2022

## Land To South Of Lothead Landfill Site

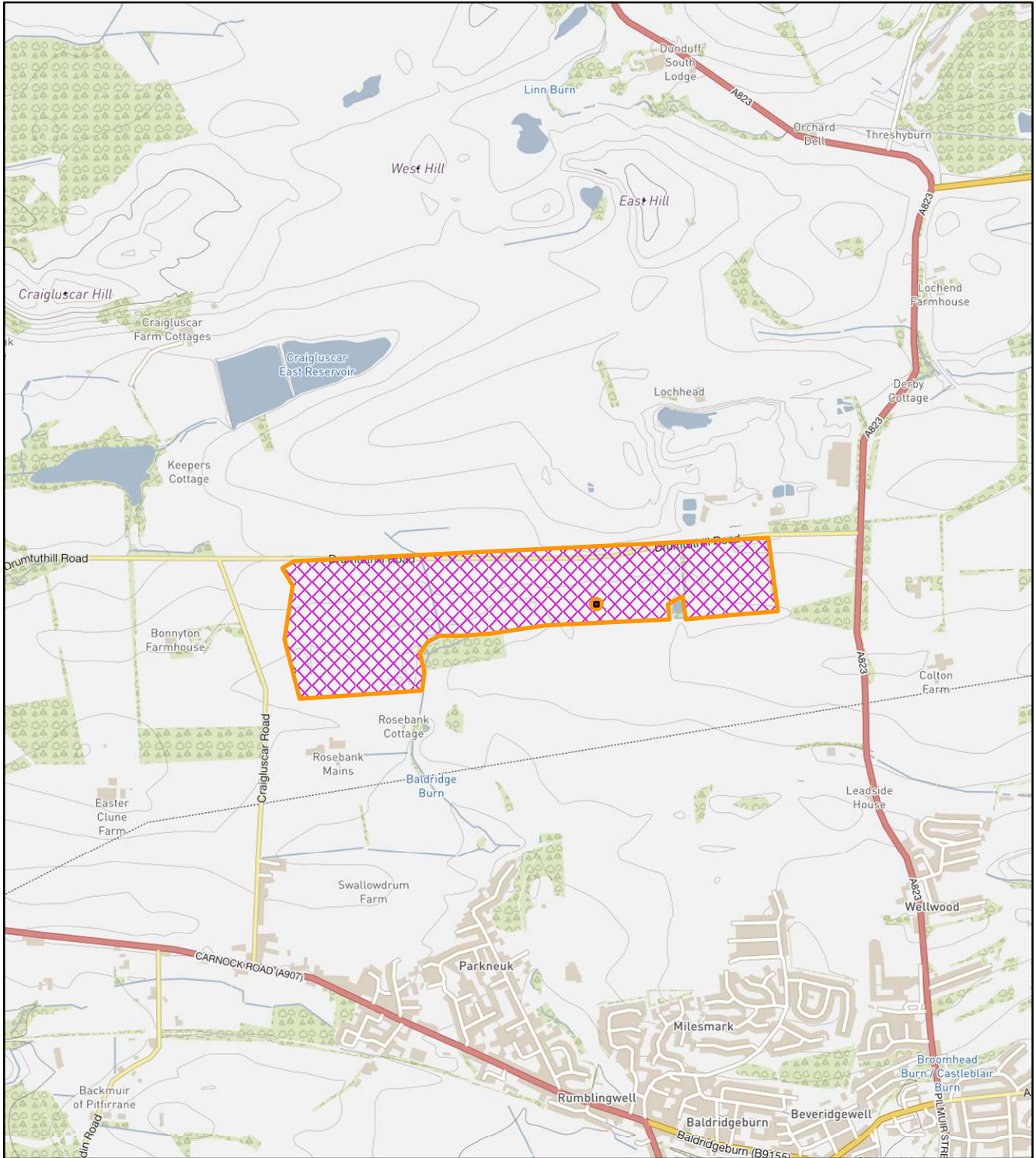


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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	



## Land To South Of Lochead Landfill Site



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

**ITEM NO: 5**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/03474/FULL**

**SITE ADDRESS: GRAZING LAND KINROSS ROAD LESLIE**

**PROPOSAL : MAJOR DEVELOPMENT FOR 44 AFFORDABLE DWELLINGHOUSES WITH ASSOCIATED LANDSCAPING, OPEN SPACE, BOUNDARY TREATMENTS, ROADS, ACCESSES, SUDS, ALLOTMENTS AND COMMUNITY ORCHARD.**

**APPLICANT: KINGDOM HOUSING ASSOCIATION AND CAMPION HOMES  
2 PITREAVIE BUSINESS PARK UNIT 2 DUNFERMLINE**

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

**CASE OFFICER: Jamie Penman**

**DATE 12/11/2021**

**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The application is defined as a Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and more than 5 representations were received which are contrary to the officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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

## 1.1 Background

1.1.1 This application relates to a greenfield site which is located out with, but adjacent to the settlement boundary of Leslie. The site measures approximately 3.2Ha and is currently used as grazing ground for horses. The site is currently covered in rough grassland with limited areas of tree planting. The application site is unallocated in the local development plan (FIFEplan 2017) but is within the Green Network Policy Area of North Glenrothes and sits within the southernmost boundary of the Lomond Hills Local Landscape Area. The whole site is non-prime agricultural land. The application site sits to the north of the A911 Kinross Road and inclines to around its midpoint then falls downhill towards its northern boundary. Leslie Golf Course bounds the application site to the north, Leslie Cemetery is to the east, the A911 and housing along Lomond View is to the south and there is an agricultural field to the west. There is no existing vehicular access from the A911. The application site is close to public transport links and there is good footpath provision in the surrounding area (including along the southern boundary of the site).

1.1.2 Planning history associated with this site includes:

- There has been no recent planning history associated with this site.
- Submitted objection comments noted that planning permission has been previously refused for this site. Documentation was submitted detailing the refusal of planning application 89/G/0899 and subsequent dismissal of appeal P/PPA/FB/303. Fife Council as Planning Authority holds no digital records of this proposal, The proposal was for outline planning consent for a residential development. Whilst this planning history is a material planning consideration in the assessment of this application, given the level of time which has passed since the application/appeal were considered, it does not hold any significant weight in the determination of this application.

## 1.2 The Proposal

1.2.1 This application is for full planning permission for the erection of 44 affordable homes. Kingdom Housing Association is the applicant and the development would provide social rented housing. Two vehicular/pedestrian accesses would be provided from the A911, with a further shared 3m pedestrian/cycle path being provided along the southern boundary of the site. The existing stone wall along the frontage of the site would be largely retained. The site plan proposes a cluster model with some of the proposed houses being accessed from the internal loop road, however, the remaining properties are arranged in a series of 8 clusters where access and parking is provided. A mix of property types are proposed including a mix of bungalows (12) and two-storey houses (32), in both detached and semi-detached arrangements. The bungalows would all contain 2 bedrooms and the two-storey houses would consist of 14 two bed, 13 three bed and 5 four bed houses. Proposed finishing materials include concrete roof tiles, buff/grey facing brick and timber windows and doors. Proposed boundary treatments include a mix of timber fences ranging in height from 1.2m to 1.8m, timber post and wire fences, stone and brick walls. Landscaping is proposed throughout the site and areas of street furniture would also be provided. A large area of open space is proposed to the north of the site which will contain a community orchard and an informal children's play area. A sustainable urban drainage scheme is also proposed and would utilise a series of soakaways, grass filter trenches and bio-retention features.



## 1.3 Procedural Matters

1.3.1 The application proposal covers a site area of more than 2Ha and therefore falls within the Major Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. The applicant has carried out the required pre-application consultation through holding public consultation events (ref: 21/01638/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 initial online consultation event held on 24th of June 2021 and a follow up online consultation event on 19th August 2021. The consultation events were advertised in the Glenrothes Gazette at least 7 days prior to the events taking place.

1.3.2 The application was advertised in The Courier on 18th November 2021 for neighbour notification purposes.

## 2.1 Planning 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

## 2.2 Principle of Development

2.2.1 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. As the application site is located out with the settlement boundary of Leslie, it is located within the countryside. As such, FIFEplan Policy 7 (Development in the Countryside) applies and states that development in the countryside will only be supported where it is for housing in line with Policy 8 (Houses in the Countryside). Policy 8 states 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). Policy 2 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. Policy 2 further states that the development of sites adjacent to settlement boundaries, excluding green belt areas, solely for the provision of small-scale affordable housing, may be supported where there is established and unmet local need and if no alternative site is available within a settlement

boundary. Policy 2 continues to note that in such instances, priority will be given to the redevelopment of brownfield sites. Policy 2 also advises on an acceptable scale of affordable housing developments which are adjacent to a settlement boundary. It states that development will reflect the character of the settlement - a maximum of 20 units for settlements with fewer than 200 households; a maximum of 30 units for settlements of between 200 and 1,000 households; and a maximum of 49 units for settlements of greater than 1,000 households.

2.2.2 Concerns have been raised in submitted objection comments with regard to the development being proposed on a non-allocated, greenfield site, which is out with the defined settlement boundary. Given the characteristics of the application site, the general principle of development cannot be automatically accepted and the above requirements of FIFEplan (2017) Policies 1 and 2 must be satisfied to be found acceptable, unless material consideration indicate otherwise.

2.2.3 In relation to whether there is an established and unmet local need for affordable housing in Leslie, Fife Council's Affordable Housing Team were consulted on the application proposal. The consultation response noted that the housing mix presented in this planning application has been determined in conjunction with Fife Council's Housing Services and reflects the needs for affordable housing identified in the Glenrothes Local Housing Strategy Area (LHSA). The response continues by noting that there is a high need for affordable housing in the settlement of Leslie and that this can be demonstrated by considering data extracted from the Fife Housing Register. The Affordable Housing Team state that in November 2021 there were 270 applicants who specified Leslie as an area of choice. Furthermore, there are 501 affordable properties (485 Fife Council and 16 Housing Association) in Leslie and only 10% Fife Council properties were re-let in the previous year. The consultation response notes the Housing Need and Demand Assessments 2018-30 and estimates a need for 78 affordable homes per annum in the Glenrothes Local Housing Strategy Area (LHSA) which equates to a 5-year housing need of 390 affordable homes. It continues to state that the 2022-23 to 2026-27 Strategic Housing Investment Plan (SHIP) details the potential to deliver 392 homes within this Local Housing Strategy Area and whilst this is very slightly in excess of the 5-year need identified above, it should be noted that the SHIP Projects tables has an overprovision of 27.5% to take account of sites that either do not progress or that are developed out with the SHIP timescale. The response concludes by advising that this site has been included within the SHIP and demonstrates the potential of the SHIP to meet the affordable housing needs within the HMA.

2.2.4 The applicant has submitted a supporting planning statement which considers alternative sites which may be available within the settlement boundary and whether there are any brownfield sites adjacent to the settlement boundary. The applicant has identified two sites which are on the vacant and derelict land register. These include LES100 - Murray Place and HGA019 - Prinlaws Road (which also includes FIFEplan (2017) allocated sites LES002 and LES003). The supporting statement details planning history for Murray Place however it is ultimately discounted due to its small size (0.09Ha); its removal from the site selection process is accepted for this reason. The supporting statement continues to assess the suitability of the Prinlaws Road site (HGA019, LES002, LES003) in more detail. The supporting statement considers previous planning history for the site and notes a previous application (14/02690/PPP) which was refused on flood risk and road safety grounds. The supporting statement continues to set out that whilst the site is large enough to accommodate the proposed development, the planning history and the various technical challenges that persist in and around the site and which would need to be overcome (including access, flood risk, demolition, built heritage) indicates that an affordable housing development of up to 49 homes would not be viable at this time. Given the challenges noted for the Prinlaws Road site(s) in terms of size, topography,

flooding and access issues, it is duly accepted that it would not be viable to develop the proposal on this site and it would likely have to be led by a private developer, for a much larger number of units; this site's removal from the site selection process can therefore be accepted. The supporting statement considers the remaining FIFEplan (2017) allocated site within Leslie (LES001), however, as this site is currently under development and as such, is not available, it can be discounted from the site selection process. There are no other vacant/derelict/allocated sites within or adjacent to the settlement boundary of Leslie that would be capable of hosting the development. It is therefore concluded that there are no alternative sites available.

2.2.5 In terms of an appropriate scale of development, Leslie has approximately 1,436 households and as such, a proposal of 44 affordable houses adjacent to the settlement boundary, is an acceptable scale of development in line with FIFEplan Policy 2.

2.2.6 Given the above, in that there is an established unmet local need for affordable housing in Leslie, there are no alternative sites within or adjacent to the settlement boundary which could host the development and that the application proposal is compliant with the acceptable scale of development, as set out in FIFEplan (2017) Policy 2, the general principle of development in this location is found to be acceptable in line with FIFEplan (2017) Policies 1, 2, 7 and 8. The overall acceptability of the application proposal will be considered in detail below.

## 2.3 Design and Visual Impact

2.3.1 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.

2.3.2 In submitted objection comments, concerns have been raised about the potential visual impacts of the proposed development. Comments note that it would have a detrimental impact on Leslie's relationship with Lomond Hills Local Landscape Area and the surrounding countryside in general. Concerns have also been raised with regard to the development's visual impact on the conservation area, cemetery and golf course.

2.3.3 The proposed site plan demonstrates that it can accommodate the proposed 44 dwellings. Two vehicular/pedestrian accesses would be provided from the A911, with a further shared 3m pedestrian/cycle path being provided along the southern boundary of the site. The existing stone wall along the frontage of the site would be largely retained. The site plan proposes a cluster model with some of the proposed houses being accessed from the internal loop road, however, the remaining properties are arranged in a series of 8 clusters where access and parking is provided. A mix of property types are proposed including a mix of bungalows (12) and two-storey houses (32), in both detached and semi-detached arrangements. The bungalows would all contain 2 bedrooms and the two-storey houses would consist of 14 two bed, 13 three bed and 5

four bed houses. Proposed finishing materials include concrete roof tiles, buff/grey facing brick and timber windows and doors. Proposed boundary treatments include a mix of timber fences ranging in height from 1.2m to 1.8m, timber post and wire fences, stone and brick walls.

2.3.4 As discussed in Section 2.4, an acoustic barrier has been proposed along the southern boundary of the application site. The site has been designed to provide an active frontage on to the A911 and consideration needs to be given to any visual impact that a noise barrier would have in such a prominent location. If a large barrier was to be accepted, it could potentially neutralise the positive aspects that the active frontage of the development would provide. Scenarios were presented which included a 2m or 1.5m barrier. A 2m barrier in such a prominent location, whilst would be effective in reducing noise levels in garden areas, it would be considered to have a significantly detrimental impact on the visual amenity of both the application site and the surrounding area. Visualisations were therefore submitted showing the visual impact of a 1.5m barrier, set back from the A911 along the southern boundaries of the most exposed properties. Whilst no barrier would be the preferred option, the 1.5m barrier provides protection against elevated levels of noise for future residents whilst having no significant detrimental impact on the visual amenity on the development or wider surrounding area. A condition has therefore been added to secure the implementation of the noise barrier and to confirm its form and final location, with any additional landscaping where required.

2.3.5 Landscaping is proposed throughout the site and areas of street furniture would also be provided. A large area of open space is proposed to the north of the site which will contain a community orchard and informal play areas. A sustainable urban drainage scheme is also proposed and would utilise a series of soakaways, grass filter trenches and bio-retention features. In simple layout terms, the submitted site layout presents an imaginative layout which would not only be distinctive but also contribute to the sense of place. The scale and massing of the proposed buildings are also appropriate for the area and is generally consistent with what can be found in the surrounding area. Finishing materials are also of high quality and would raise no significant concerns. A mixed parking strategy has been employed through the use of both in-curtilage parking and parking courts. This would ensure parking does not dominate the street scene.

2.3.6 Given the application site's location out with the settlement boundary, within the edge of the defined Lomond Hills Local Landscape Area and adjacent to a main transport route into Leslie, the proposals visual impact must be further assessed in this context. The Lomond Hills Local Landscape Area designation covers a large area covering the northern edges of Leslie and Glenrothes to Falkland, Strathmiglo and Gateside, including both East and West Lomond Hills. A landscape and visual impact assessment (LVIA) was submitted with the application which assesses the visual impacts in detail. The LVIA acknowledges the application site's sensitive, edge of settlement location particularly in relation to the existing views northwards towards the Lomond Hills and notes that the site forms an important part of the transition from an urban to rural landscape. The LVIA states that that the introduction of built development into a generally open site with views to the wider landscape would inevitably result in some extent of visual obstruction to existing views available, with associated adverse visual impacts. The LVIA concludes by noting that in landscape character terms, the existing settlement edge pattern and boundary would be strengthened, with the proposed development forming a small-scale extension to the settlement edge of Leslie which would be well sited in relation to the topographic character of the site, and new lines of linear tree planting would connect the site with the existing tree pattern in the surrounding landscape and that the proposed development would have a beneficial landscape character effect in this regard.

2.3.7 The LVIA does however consider that the introduction of the proposed development would have local detrimental effects on the landscape setting of the north-western edge of Leslie, through the obstruction of existing visual connections between this edge of the settlement and its surrounding landscape setting to the north and specifically views to the Lomond Hills. The LVIA notes that these adverse effects would be limited in their extent in relation to the wider landscape setting of the settlement, and the wider contribution of the landscape to the north and west of Leslie to the settlements landscape setting would be unaffected by the introduction of the proposed development and that effects on how the landscape setting of the settlement is experienced on the approach into Leslie from the west would be limited, and effects on the landscape setting of the western edge of Leslie would be negligible. In this regard, the LVIA concludes that in overall terms, any effects of the proposed development on the landscape setting of Leslie would be limited and minor, and therefore not significant.

2.3.8 The LVIA considers the section of the A911 adjacent to the application site and the adjacent residential area of Lomond View and states that it would be most adversely affected by the introduction of the proposed development given its close proximity to the proposed development site. It states that new buildings would occupy a large extent of the existing views, obstructing existing views to the Lomond Hills and the surrounding landscape. Whilst this is noted and understood, the protection of existing views from properties cannot be considered through the planning assessment process.

2.3.9 Finally, the LVIA concludes by noting that mitigation measures, such as restricting building heights to two storeys, incorporating viewing corridors into the layout to retain some degree of visual connectivity with the surrounding landscape and presenting gable ends towards the A911, have been incorporated into the site layout and have assisted in limiting the overall landscape and visual effects.

2.3.10 The application site is not in a Conservation Area nor are there any listed buildings located within close proximity to the site. Leslie Cemetery is located directly to the east of the site and whilst it would be considered a built heritage asset, it has no statutory degree of protection through the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The LVIA considers the impact of the development on the cemetery and notes that the magnitude of change is considered to be high which would equate to a moderate visual impact. This is not unusual due to the current undeveloped state of the application site, however, whilst the visual impact on the cemetery would be considered significant, it would not be detrimental to its character. The same applies to the visual impact on the golf course.

2.3.11 In simple layout terms, the submitted site plan is acceptable and would achieve a well thought out, modern development which would create a place that is attractive to live in. Whilst located within the countryside, it is adjacent to the existing settlement boundary of Leslie and would represent an extension of the existing settlement. The scale and massing of the proposed properties is also considered to be acceptable and in keeping with those in the surrounding area. The conclusions of the LVIA demonstrate that the proposal would largely have no significant visual impact on the wider Lomond Hills Local Landscape Area, however, there would no doubt be an impact on existing views towards the Lomond Hills, when looking north from the A911 adjacent to the application site. Notwithstanding, the settlement of Leslie would still retain a visual connection to the landscape contained within the Lomond Hills Local Landscape Area, albeit the connection would be partially obstructed by the new development for a length of approximately 200m. Mitigation measures have been designed into the site layout to ensure viewing corridors to the Lomond Hills are provided. When approaching Leslie from the west, a strong visual connection to the Lomond Hills and the Local Landscape Area would still be

available. The proposal is therefore considered acceptable in would comply with FIFEplan (2017) Policies 1, 10, 13, 14 and Making Fife's Places Supplementary Planning Guidance (2018).

## 2.4 Residential Amenity

2.4.1 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.

2.4.2 Submitted objections have raised concerns with the development noting that it would be subject to adverse residential amenity impacts from the local quarry to the north. Concerns have also be raised with regard to road traffic noise impacts on the development. Furthermore, some comments note that the development would generate adverse levels of noise which would be to the detriment of the surrounding area. Comments also note the impact of light pollution from the development.

2.4.3 The application site has largely been designed to avoid overshadowing impacts between properties out with and within the application site. Some localised overshadowing may occur, however this would be for limited times during limited parts of the day. No significant concerns would be raised in this regard.

2.4.4 Due to the cluster model which has been proposed in the submitted site layout, many of the garden ground areas are irregularly shaped and at some points, do not meet the minimum garden length guideline of 9m. The submitted site plan has thoroughly reviewed and it is noted that where gardens do narrow to distances less than 9m, no significant privacy concerns would be raised given the proposed orientation of neighbouring properties.

2.4.5 The submitted site plan shows instances where the minimum distance of 18m between window openings guideline has not been met. A condition has therefore been added which requires such windows to either be removed or relocated and allows further discussion on the matter with the Planning Authority. For the avoidance of doubt this includes Plots 13, 14, 17, 23, 30, 33, 34, 39, 41 and 42, with specific instruction being given in the condition. Subject the proposed condition, no significant privacy concerns would be raised with regard to minimum distances between window openings.

2.4.6 A range of private garden ground sizes have been provided, ranging from 75sqm to 175sqm. Approximately 10 units fall short of meeting the 100sqm garden ground guidance, however, they would still retain a sufficient of private garden ground to ensure a reasonable level of residential amenity is provided. It must also be recognised that a large garden is not always desirable given the maintenance burden and that the site does offer varying size of garden grounds, which would enable choice. Furthermore, smaller gardens have been allocated to smaller properties (2-3 beds) and a large accessible area of open space is being provided as

part of the development which can be utilised if required. No significant concerns would therefore be raised in this regard.

2.4.7 The application site is adjacent to the A911 which is a main transport route to/from Leslie. Lomond Quarry is also located approximately 400m to the north of the site. A noise impact assessment (NIA) has been submitted with the application which considers the impact of road noise and quarry operations on the development. With regard to road noise, the noise impact assessment concludes that internal and external noise level guidelines cannot be met without noise mitigation measures being implemented. Fife Council's Environmental Health Team has been consulted and notes that road traffic noise has the potential to significantly affect amenity in both the proposed dwellings and their garden grounds. The noise report advises that if a closed window approach is adopted along with specialised glazing with acoustic trickle vents, internal daytime and night-time noise level guidelines can be met. Environmental Health has noted that a closed window approach should only be accepted in exceptional circumstances which refers 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. Exceptional circumstances are defined in the briefing note prepared by the Royal Environmental Health Institute of Scotland which states that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided. It notes that predictions of internal noise levels within noise sensitive premises must be calculated based on an open window scenario and 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, including meeting specific needs identified in the local development plan. Whilst this site does not strictly meet the exceptional circumstance criteria, given that it is adjacent to the settlement boundary, is close to public transport links and that the principle of development is acceptable given there is a high need for affordable properties within Leslie, the noise mitigation measures as specified can be accepted for this particular case. It should also be noted that it is only the properties which have a south facing elevation onto the A911 where mitigation would be required. This equates to 10 out of the 44 proposed properties. On balance, the mitigation measures to ensure that internal noise levels can be met can be accepted in this instance, in order to achieve a good standard of residential amenity for the most exposed properties.

2.4.8 With regard to garden ground noise levels in the most exposed properties, the submitted noise report concludes that noise levels of 55db cannot be met without installing a noise barrier along the southern boundary of the application site. The study confirms that a noise barrier of 2m high would ensure that the upper limit of 55db could be met in the most exposed properties. The study also confirms the effectiveness of a 1.5m high barrier and details that for the most exposed properties which front the A911, the upper limit of 55db guideline would be met, in part, in each of the 10 properties. There are some areas of the gardens where noise levels of between 55db and 60db have been predicted, however, such instances are limited and would not raise significant concerns in this instance. For the avoidance of doubt, significant areas of garden ground would be provided for each of the ten properties where the upper limit of 55db can be achieved, thereby protecting residential amenity of future residents. Full consideration of the visual impact of the acoustic barrier has been undertaken in Section 2.3 of this report and concludes that the 1.5m barrier is the most effective solution in balancing the residential amenity requirements of future residents whilst maintaining an attractive development frontage on to the A911.

2.4.9 The noise impact assessment also considers noise levels and vibration levels from the nearby quarry located approximately 400m to the north of the site. The assessment details that

the results comply with current environmental criteria as detailed in PAN50 (controlling the environmental effects of surface mineral workings).

## 2.5 Sustainable Travel and Road Safety

2.5.1 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.

2.5.2 In submitted objection comments, concerns have been raised with regard to vehicle speeds on the A911 being much higher than the signposted 30mph and the impact that increased traffic levels from this development would have on the general road safety in the surrounding area. Concerns were also raised regarding the lack of suitable crossing points on the A911 and the omission of electric vehicle charging points from the proposal. Further general road capacity concerns have also been raised.

2.5.3 Fife Council's Transportation Development Management Team have been consulted on the application and have raised no significant concerns with regard to traffic levels from the development nor general road safety issues with the new points of access onto the A911. Whilst they have not objected to the proposal, they have raised some concerns within the proposal which largely relate to the narrow width and manoeuvrability of the proposed streets. The applicant has submitted a swept path analysis in this regard which shows that a refuse vehicle can navigate the layout however it is accepted that in some instances turning movements may be more difficult when compared to a standard road. Nonetheless, it has been shown to be possible. Conditions have been recommended by Transportation which have been added.

2.5.4 The application site would be accessed via two new accesses formed off the A911. Both pedestrian and vehicular access into the site would be possible from these locations. There would be a loop road within the development, joining the two access points. Some of the proposed dwellings would front onto the loop road, however, the majority would be arranged in a series of 8 clusters, accessed from a parking court. A mixed parking strategy has been proposed including a mix of in-curtilage parking and parking courts. Whilst the roads within the site are narrow, a swept path analysis has been submitted which shows that the largest vehicle expected to visit the site can be accommodated. Whilst out with the settlement boundary, the site has good sustainable transport links into Leslie and beyond. The narrow geometry of the site layout would ensure slow vehicle speeds through the site which would prioritise safe pedestrian movements. A pedestrian crossing point has also been proposed across the A911 in order to secure a safe route to school.

2.5.5 The proposed site layout is unusual, yet unique and would be successful in creating a quality place where traffic speeds would be low meaning pedestrian movement is prioritised. Whilst some concerns have been raised by Transportation, none would warrant refusal of the



application. The proposed would therefore raise no significant road safety concerns and would therefore comply with FIFEplan 2017 policies 1 and 3.

## 2.6 Land and Air Quality

2.6.1 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.

2.6.2 Submitted objections raised concerns regarding the development's impact on air quality in the surrounding area and that the site may be contaminated.

2.6.3 Fife Council's Land and Air Quality Team has been consulted and has advised that following a review of the submitted risk assessment, additional information such as a remedial statement and verification report is required. This can be managed through the imposition of conditions.

2.6.4 Land & Air Quality also reviewed the submitted Air Quality Impact Assessment and noted its conclusion that any impact associated with the development is likely to be insignificant and raised no concerns in this regard.

2.6.5 The proposal would therefore comply with FIFEplan (2017) Policies 1, 10 and other related guidance in this regard.

## 2.7 Flooding and Drainage

2.7.1 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.

2.7.2 Submitted objection comments have raised concerns with the surrounding drainage system and note that it is inadequate.

2.7.3 Small areas of surface water flood risk are identified along the southern boundary of the site. The applicant has submitted a flood risk assessment and a drainage report with the application. A sustainable urban drainage scheme is also proposed and would utilise a series of soakaways, grass filter trenches and bio-retention features. Fife Council's Structural Services Team has been consulted on the application and having reviewed the submitted documents has

no objection to the proposal. Scottish Water has also been consulted on the proposal and raised no objections.

2.7.4 The proposal would therefore comply with FIFEplan (2017) Policies 1, 3, 12 and Making Fife's Places Supplementary Planning Guidance (2018).

## 2.8 Planning Obligations

2.8.1 FIFEplan (2017) Policies 1, 4 Planning Obligations, Making Fife's Places Supplementary Planning Guidance and draft Planning Obligations Framework 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.

2.8.2 Concerns have been raised in submitted objection comments with regard to education/nursery capacity within the relevant catchment area. Concerns have also been raised regards other local amenities such as doctors, dentist and chemist capacity, however, these issues cannot be considered through the assessment of this application.

2.8.3 As the application is for 100% affordable housing, it is exempt from all planning obligations, except where there is a critical capacity risk in terms of education provision.

2.8.4 Fife Council's Education Team was consulted and advised that the application site is located within the catchment areas for Leslie Primary School, St Paul's Roman, Catholic Primary School, Glenwood High School and St Andrew's Roman Catholic High School. It is also within the Glenrothes Central and West local nursery area. The consultation response notes that the development would not create a critical capacity risk at any of the schools listed. The response does note that there is a risk that the nursery capacity of the local area may not be able to accommodate pupils from this development, however, with the use of partner providers, the small number of nursery aged pupils may be accommodated over the full period of the build programme.

2.8.5 Where developments are not located within close walking distances to existing areas of open space, they are expected to provide at least 60sqm of open space per dwelling, within the site. A large area of open space, measuring over 1Ha is being provided, which exceeds the above guidance.

2.8.6 The proposal would therefore comply with FIFEplan (2017) Policies 1, 4 and Fife Council's Planning Obligations Framework Guidance.

## 2.9 Natural Heritage/Trees

2.9.1 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.

2.9.2 Submitted objection comments have raised concerns with regard to the ecological impact of the development and that it may lead to the loss of habitat.

2.9.3 The site is covered in rough grassland with isolated tree planting. An ecology appraisal has been submitted with the application which details that no protected species were found in or around the site and whilst a range of bird species were identified, no nests/nesting behaviours were identified. The report recommends that any clearance works are undertaken out with the bird nesting season, and it also recommends a range of biodiversity enhancement measures including bat/bird boxes, bee bricks and wild flower planting. No specific details of these have been provided, however they can be requested by condition.

2.9.4 There are no significant trees within the site. An extensive landscaping scheme is proposed including hedge and tree planting. This would provide a significant biodiversity benefit within the site.

2.9.5 The proposal would comply with FIFEplan (2017) Policies 1, 13 and Making Fife's Places Supplementary Planning Guidance in this regard.

## 2.10 Low Carbon Fife

2.10.1 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.

2.10.2 A Sustainability Statement been submitted, detailing the low carbon measures that will be taken forward as part of the development, which is acceptable. It is also noted that all properties will be equipped with solar panels.

2.10.3 The proposal complies with FIFEplan (2017) Policies 1, 11 and the associated supplementary guidance Low Carbon Fife (2019).

## 2.11 Archaeology

2.11.1 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.

2.11.2 Fife Council's Archaeology specialist was consulted on this proposal and initially noted that lidar data revealed the presence of presumed archaeological features within the proposed development site. The applicant submitted further information which detailed that sand had previously been quarried on the site then subsequently infilled. Further discussions with the

archaeologist concluded that there are no archaeological implications associated with the development proposal.

2.11.3 The proposal complies with FIFEplan (2017) Policies 1, 14 and Making Fife's Places Supplementary Planning Guidance in this regard.

## CONSULTATIONS

Transportation, Planning Services Community Council NHS Fife	WIP Supportive of the development. GP list open and surgery fully staffed. Two dentists and pharmacy within town.
Archaeology Team, Planning Services Natural Heritage, Planning Services Urban Design, Planning Services Land And Air Quality, Protective Services	No objections. No response. Supportive comments received. Remedial action statement and verification report required.
Education (Directorate) Housing And Neighbourhood Services Structural Services - Flooding, Shoreline And Harbours	No critical capacity issues. High need for affordable housing in Leslie. No concerns raised.
Environmental Health (Public Protection)	Amenity of residents may be impacted by road traffic noise.
Scottish Water	No objections.

## REPRESENTATIONS

76 objections and 2 support comments have been received, which includes support from The Leslie Community Council as a Statutory Consultee.

Concerns raised which are material to the assessment of this proposal include:

- Development should not take place on greenfield site - Addressed in Section 2.2
- Approval would set undesirable precedent - Whilst the precedent an application may set is a material consideration, each application must be assessed on its own merits. No significant concerns would be raised with this proposal.
- Impact on local amenities (doctors, dentist, schools, nursery) - Addressed in Section 2.8
- Increased levels of traffic in the surrounding area - Addressed in Section 2.5
- Speed levels on adjacent road often exceed speed limits - Addressed in Section 2.5
- Impact on pedestrians using A911 (crossings should be installed) - Addressed in Section 2.5
- Impact on access/egress from Lomond View and Westgate (roundabout needed) - Addressed in Section 2.5
- Traffic survey should be undertaken - A Transport Assessment has been submitted. A traffic survey was not required.
- Transport statement does not relate to the application site - This issue was rectified with the agent.

- Impact of quarry noise and vibration on residential amenity of new homes - Addressed in Section 2.4
- Natural heritage impact (loss of habitat) - Addressed in Section 2.9
- Environmental impact (increase greenhouse gasses) - No significant concerns would be raised in this regard. An AQIA has been submitted and reviewed.
- Insufficient public consultation - Addressed in Section 1.3
- Negative visual impact on surrounding Local Landscape Area, particularly on western approach into Leslie - Addressed in Section 2.2
- Increased noise, air and light pollution - Addressed in Section 2.4 and 2.6 - Given the site is adjacent to a settlement boundary, no significant concerns would be raised with regard to increased levels of light pollution.
- Impact on neighbouring cemetery - Addressed in Section 2.3
- Level of demand for housing does not exist - Addressed in Section 2.2
- Application site is located out with settlement boundary and not allocated for housing - Addressed in Section 2.2
- Site may be contaminated - Addressed in Section 2.6
- There are other brownfield site alternatives - Addressed in Section 2.2
- Negative visual impact of 2m high acoustic fence - Addressed in Section 2.3
- Lack of electric vehicle charging points - Current planning policy does not require EV charging points to be installed. This guidance will be reviewed.
- Surrounding drainage system inadequate - Addressed in Section 2.7
- It will remove access to natural areas - The proposal is not currently public open space and would therefore raise no concerns in this regard.
- Negative impact on the historic character of Leslie - Addressed in Section 2.3
- Flooding impacts on surrounding area and golf course - Drainage proposals have been reviewed and Structural Services have raised no concerns.
- Visual impact on golf course - Addressed in Section 2.3
- Golf activity is health and safety risk on new residents - The application site is set back from the golf course. No significant concerns would be raised in this regard.
- Economic impact on Leslie Golf Club - No significant concerns would be raised in this regard. The development may even have a positive impact on visitor numbers.
- Impact of footpath from development into golf course - No footpath into the golf courses from the development is being provided.
- Impact on Leslie Conservation Area - Addressed in Section 2.3
- Impact on Green Network Policy Area - No concerns would be raised in this regard. The ecology appraisal raises no issues and significant tree planting and landscaping would be provided as part of the development.
- Inappropriate housing density - The site is large enough to accommodate the proposed development.
- Negative impact of noise on future residents - Addressed in Section 2.4
- Similar proposal already been refused - Addressed in Section 1.1

Concerns raised which are not material to the assessment of this proposal include:

- Adjacent street would no longer have a view of the Lomond Hills
- Development of greenbelt land
- Land should be used to extend cemetery
- Loss of view
- Impact on property prices
- Impact on cemetery wall
- Increased public movement over the golf course
- Site is a protected Conservation Area

- Site would be within 500m exclusion zone of quarry
- Leslie already has high percentage of social housing
- Application has attracted high levels of objection
- Land is sloped and not suitable for building

Support comments raised include:

- Proposal would give people the opportunity to live in Leslie
- There is a shortage of affordable housing in and around Leslie
- Site has good vehicular visibility however additional crossings should be provided

## CONCLUSIONS

Whilst the proposal would constitute development in the countryside, the proposed development is considered to be in accordance with the Adopted FIFEplan Local Development Plan (2017), in that it would develop affordable housing on a site that meets the requirements of FIFEplan Policy 2 with regard to the provision of affordable housing adjacent to a settlement boundary, in an area that has been identified by Housing Services as having a shortfall. Mitigation measures such as appropriate design, landscaping and boundary treatments would ensure that the development would not adversely impact on the visual appearance of the settlement or the local landscape area it is located within. The proposal is acceptable in layout, design, scale and density and the development would meet the six qualities of place making. The proposed accesses into the site are also considered acceptable. The development would not have any significant impact in terms of amenity and natural heritage and would not cause raise any significant concerns with regards to drainage, flood risk or road safety. Overall, the proposal is considered acceptable and would be in accordance with SPP and the Adopted FIFEplan (2017) Local Development Plan.

## RECOMMENDATION

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

1. 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.

2. Before they are applied to the units hereby approved, details of the specification and colour of the proposed external finishes shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the development shall be carried out in accordance with these approved details.

Reason: In the interest of visual amenity; to sure the finishing details are specified and are appropriate for the area.

3. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with a Remedial Action Statement which shall be submitted to Fife Council as Planning Authority for prior written approval. 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.

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. The proposed biodiversity enhancement measures, as detailed in the preliminary ecology appraisal, shall be installed on site, within 3 months of the completion of the development.

Reason: In the interest of biodiversity; to ensure enhancement measures are provided as part of the development.

6. A noise barrier which shall be no higher than 1.5 in height shall be erected along the southern boundary of the application site. The full details of the proposed barrier including the form, final

location and any screen planting which may be required shall be agreed with Fife Council as Planning Authority prior to any works commencing on site. The approved noise barrier and any associated screen planting shall be installed prior to any of the 10 units along the southern boundary of the application site being occupied. The barrier shall be maintained for the lifetime of the development.

Reason: In the interest of residential and visual amenity; to ensure acceptable noise levels within garden grounds are achieved via a method that would have no significant visual impact on the surrounding area.

7. Prior to being installed on site, full details of the windows to be installed in the 10 most exposed properties fronting the A911 shall be submitted to Fife Council as Planning Authority for prior written approval. The approved windows shall then be installed on elevations which front the A911. For avoidance of doubt, details of the acoustic trickle vents shall also be provided to ensure that adequate ventilation is possible, when windows are closed.

Reason: In the interest of residential amenity; to ensure internal noise levels can be met with windows closed whilst maintaining adequate ventilation.

8. Prior to any development commencing on site, a revised site plan (including associated floor plans and elevations) shall be submitted to Fife Council as Planning Authority, which demonstrates that window to window conflicts have been rectified. For the avoidance of doubt, this includes but is not strictly limited to:

Plot 13 first floor east elevation window removed

Plot 14 first floor east elevation window removed

Plot 17 window on first floor north elevation moved to east elevation

Plot 23 window serving bedroom on first floor east elevation removed

Plot 30 window on first floor north elevation removed

Plot 33 window on first floor north elevation removed

Plot 34 window on first floor north elevation removed

Plot 39 window on first floor east elevation removed

Plot 41 window on first floor north elevation moved to east elevation

Plot 42 windows serving bedrooms on west elevation removed with new window added to north elevation

Plot 44 window on east elevation removed and window on north elevation moved to east elevation

Once agreed, the development shall proceed in accordance with the approved revised plans.

Reason: In the interest of residential amenity; to ensure minimum distances between window openings are achieved in order to preserve privacy.

9. All prospectively adoptable roads and associated works serving the proposed 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.



10. Prior to any works commencing on site, full details of the proposed crossing of the A911 shall be submitted to Fife Council as Planning Authority for prior written approval. For the avoidance of doubt this shall be a toucan crossing. The approved details shall be fully constructed prior to the occupation of the 20th dwelling, including a shared path link between the south side of the A911 and Lomond View.

Reason: In the interest of pedestrian safety; to ensure a convenient crossing point of the A911 is provided along with securing a safe route to school.

11. Prior to any works commencing on site, full details of the proposed bus stops on the A911 shall be submitted to Fife Council as Planning Authority for prior written approval. The approved details shall be fully constructed prior to the occupation of the 20th dwelling, including bus boarders, poles, flags, road markings and timetable boards.

Reason: In the interest of sustainable travel; to ensure convenient access to public transport stops is provided.

12. Before they are installed on site, full details of all street lighting to be installed on site shall be submitted to and approved by Fife Council as Planning Authority. The development will then proceed in accordance with the approved details.

Reason: In the interests of visual amenity, residential amenity and road safety; to ensure the street lighting has no significant impact on these issues.

## **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

Royal Environmental Health Institute of Scotland Briefing Note 017

### Development Plan

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 Air Quality in Fife - Advice for Developers (2020)

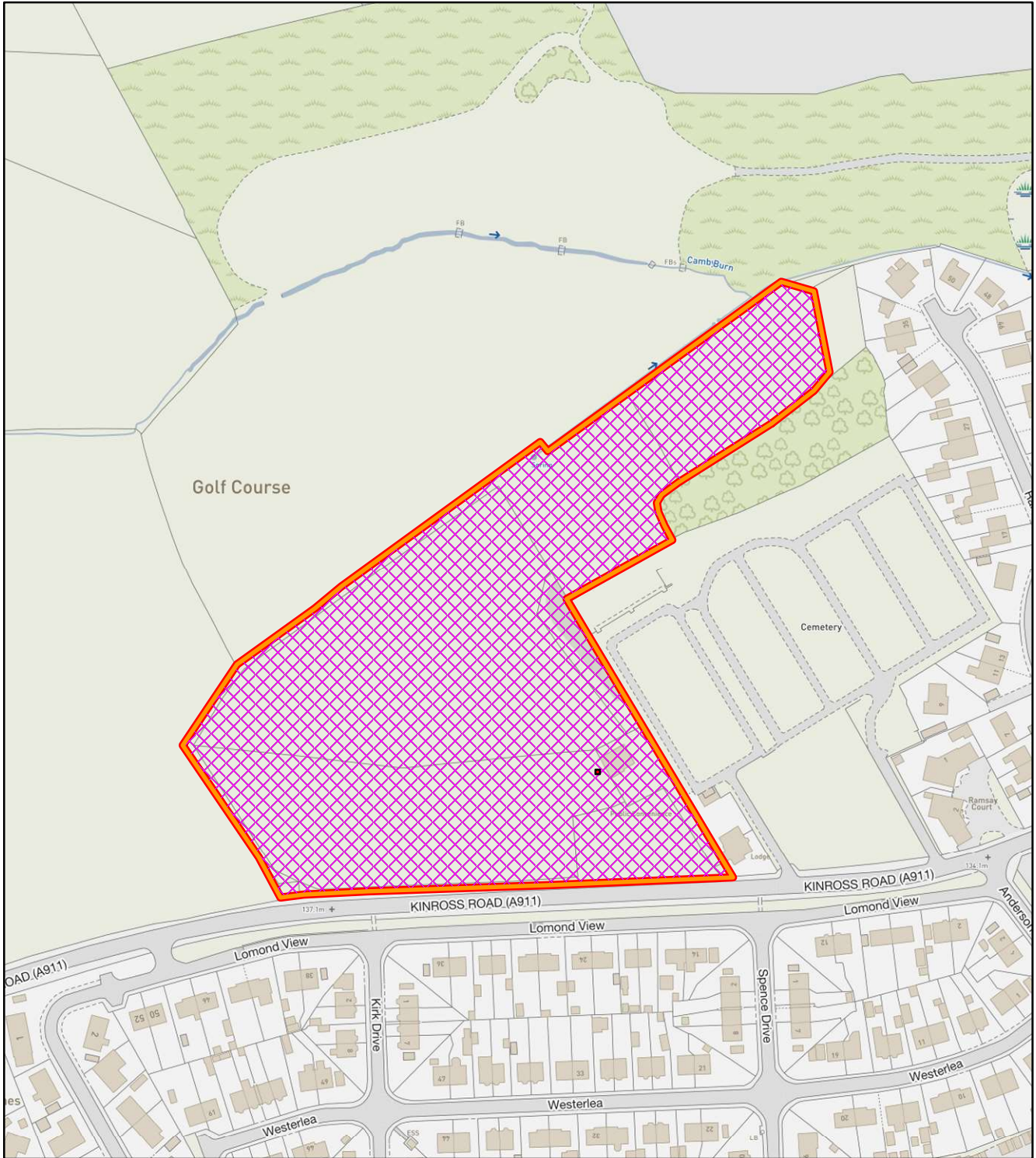
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)

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

Date Printed 02/08/2022

# 21/03474/FULL

## Grazing Land Kinross Road Leslie



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### Legend

 Application Boundary

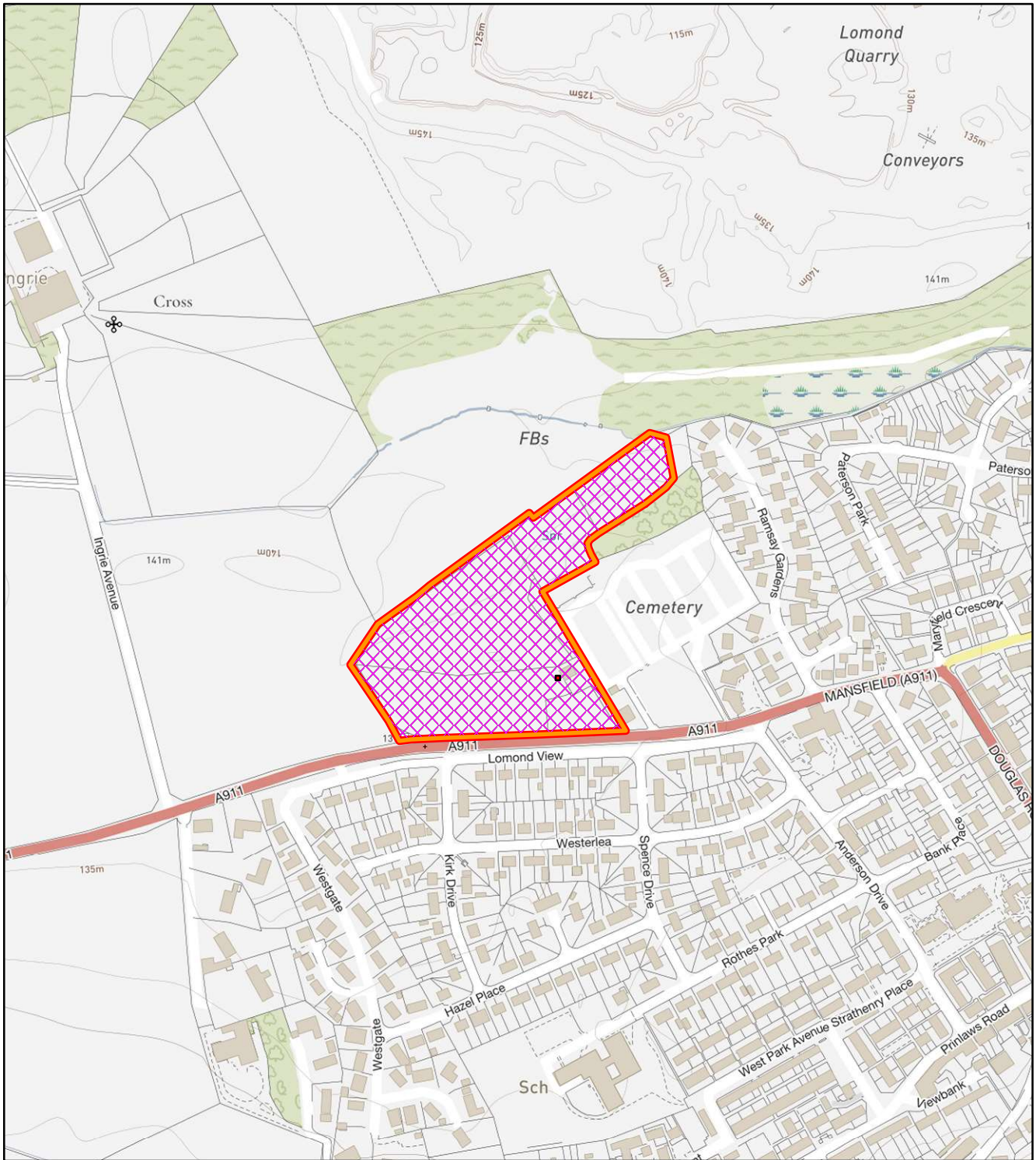
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Economy, Planning & Employability Services

# 21/03474/FULL

## Grazing Land Kinross Road Leslie



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

**ITEM NO: 6****APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00926/FULL****SITE ADDRESS: LAND TO THE EAST OF SANDPIPER DRIVE DUNFERMLINE****PROPOSAL : ERECTION OF 10. NO INDUSTRIAL UNITS (CLASS 4, 5 AND 6)  
AND ASSOCIATED WORKS****APPLICANT: FIFE COUNCIL  
3RD FLOOR WEST FIFE HOUSE NORTH STREET****WARD NO: W5R04  
Dunfermline South****CASE OFFICER: Jamie Penman****DATE REGISTERED: 05/04/2022****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application has attracted more than 5 objections, 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.

1.1 Background



1.1.1 The application site comprises an irregular shaped area of ground located to the east of Sandpiper Drive. The site is accessed from an existing four-arm roundabout on Sandpiper Drive and is part of a adopted Fife Local Development Plan 2017 (FIFEplan) site allocated for employment use (DUN056). The wider site is bound on the east by the M90 motorway, to the south by woodland, to the west by Sandpiper Drive and the north by open space/ amenity landscaping. The site is generally flat with a slight north to south downward gradient. The site has been cleared of all vegetation and drainage/road works, which were approved through previous applications, have commenced on site. The site is within the settlement boundary of Dunfermline as defined by FIFEplan (2017). The site is part of proposal DUN056: Calais Muir (North) for employment use. Further south is the Amazon Distribution Centre safeguarded employment land and to the west, on the other side of Sandpiper Drive is another employment proposal DUN051: Axis Point. The remaining land to the west and north is part of the Calais Muir Green Network Policy Area.

1.1.2 The site is not designated for any nature conservation or historic environment purposes. The site is within a Coal Authority Low Risk to Development Area. The site is not considered to be at risk from land contamination from previous uses. Core Paths run along Sandpiper Drive and through the woodland to the south. The site is classified as non-prime agricultural land, but is not currently farmed. The site is not at risk from flooding.

## 1.2 Proposal Description

1.2.1 This application proposal is for 10 industrial units, consisting of use classes 4 (offices), 5 (general industry) and 6 (storage and distribution). The proposed units would be arranged in two blocks; a terrace of 4 and a block of 6. Three off-street parking areas would be provided and be available for use by each unit. The block of 6 units would be located to the east of the site and is the larger of the two blocks. It would have a maximum finished height of 10m, with mono-pitched roofs at differing heights and it would be finished with a mix of facing brick and aluminium cladding. The proposal would have windows, pedestrian doors and larger roller shuttered doors. The smaller terraced block would be located to the west of the site and would be finished in a similar style. It would have a maximum finishing height of 6.3m. Both units would have solar panels. Landscaping is also proposed at the access into the site.

## 1.3 Site History

1.3.1 Planning history associated with the site includes:

19/01730/FULL Formation of access road, and associated works to include landscaping, surface water drainage, suds attenuation pond and outfall pipe - Approved October 2019

19/03581/FULL Installation of surface water outfall pipe (amendment to route of pipe previously approved in planning permission, reference 19/01730/FULL) - Approved February 2020

## 1.4 Procedure

1.4.1 The scale and nature of the development means it is a Local Development as defined by the hierarchy of developments and so can be determined by an appointed officer under the Council's Scheme of Delegation (List of Officers Powers).

1.4.2 The development has not been screened under the Environmental Impact Assessment Regulations 2017 as the development does not fall within the type and scale of developments listed in Schedule 2 of the Regulations.

1.4.3 The applicant is Fife Council who, via the Economic Development Team, is promoting the scheme in the interests of enabling economic development. 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.

## 2.1 Planning Assessment

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

- Principle of Development
- Design/Visual Impact
- Amenity Impact
- Road Safety/Sustainable Transport
- Natural Heritage Impact
- Flood Risk and Drainage
- Land Contamination/Stability
- Sustainability

## 2.2 Principle of Development

2.2.1 FIFEplan Policy 1 is divided into three parts. It provides support to development proposals which meet one of the points in Part A and conform to all applicable requirements in Parts B and C. Part A criteria 1 supports the principle of development where the proposed use is supported by the Local Development Plan. Policy 5: Employment Land and Property safeguards those sites allocated for such use in the Proposals Map. Development for industrial or businesses uses will be supported provided it does not restrict the activities of existing or future businesses on the site or neighbouring employment sites.

2.2.2 Concerns have been raised in submitted objections noting that the Town Centres First approach has not been followed for this application. It is assumed that these comments are referring to Policy 6 (Town Centres First) of FIFEplan (2017). Policy 6 requires uses which are likely to attract large numbers of people, to follow a sequential site selection approach to ensure that any available sites which are within town centres are developed as a priority. This applies to use classes 1, 2, 3, 7 and 11. As this proposal is for employment uses (Classes 4, 5 and 6), Policy 6 is not applicable to this application and a sequential approach is not required for this application. As noted above, the relevant FIFEplan (2017) policies which pertain to this application proposal include policies 1 and 5. These policies do not require existing vacant buildings/brownfield sites to be considered before the development of greenfield sites which are located within the settlement boundary. Policies 1 and 5 provide support for this application proposal given it is located within the settlement boundary of Dunfermline, it is allocated for employment use in FIFEplan (2017) and it is in a location where it will have no significant impact on amenity or the activities of existing or future businesses on or around the site.

2.2.3 The application proposal is therefore compliant with FIFEplan (2017) Policies 1 and 5, therefore, the general principle of development is acceptable. As the proposal is broadly supported by the development plan, notification to Scottish Ministers is not required in this instance.

## 2.3 Design/Visual Impact

2.3.1 FIFEplan (2017) Policies 1, 10, 14 and Making Fife's Places Supplementary Planning Guidance apply relate, in part, 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 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.

2.3.2 The application site would be accessed from Sandpiper Drive via an existing access. The site is fully visible from Sandpiper Drive. Through time, screen planting approved through planning application 19/01730/FULL will restrict views of the site from the adjacent M90 motorway. The proposed 10 units would be arranged in two separate blocks; a terrace of 4 and a block of 6. Three off-street parking areas would be provided and be available for use by each unit. The units would have a higher quality appearance than what is commonly found in industrial estates. The block of 6 units would be located to the east of the site and is the larger of the two blocks. It would have a maximum finished height of 10m, have mono-pitched roofs at differing heights and it would be finished with a mix of facing brick and aluminium cladding. The proposal would have windows, pedestrian doors and larger roller shuttered doors. The smaller terraced block would be located to the west of the site and would be finished in a similar style. It would have a maximum finished height of 6.3m. Both units would have solar panels. Landscaping is also proposed at the access into the site. The site is directly to the north of the Amazon complex to the east of the Axis Point site (20/00774/PPP). The application proposal would fit in well with existing surrounding uses and future uses which have still to be developed.

2.3.3 The application proposal would have no significant visual impact on the surrounding area and would therefore comply with FIFEplan (2017) Policies 1 and 10.

## 2.4 Amenity Impact

2.4.1 FIFEplan Policy 10: Amenity requires new development to avoid a significant detrimental impact on amenity of neighbouring properties. Policy 5 similarly looks to ensure any employment land development is compatible with surrounding uses. In all cases, the applicant must ensure that a proposal avoids adverse impacts on established business operations, any future occupiers and any surrounding occupiers, particularly residential properties.

2.4.2 The site is remote from the nearest residential properties on Bennachie Way, around 600m to the south. The Amazon complex lies in between the site and these properties. Given the absence of potentially conflicting uses close to the site, no significant concerns would be raised with regard to noise, light or odour impacts. Fife Council's Environmental Health Team has been consulted and confirmed this position.

2.4.3 The proposal therefore complies with FIFEplan (2017) Policies 1 and 10.

## 2.5 Road Safety/Sustainable Transport



2.5.1 FIFEplan Policy 1 requires new development to address its local impact and Policy 3: Infrastructure and Services requires a proposal to be designed and implemented in a manner that ensures delivery of the required level of infrastructure in a sustainable way. This includes the provision of roads to integrate safely with existing networks. Policy 10: Amenity requires a development to mitigate its impacts on amenity in relation to traffic movements. Making Fife's Places Supplementary Guidance (SG) at Appendix G provides regional variations to the SCOTS National Roads Development Guidelines. It sets out standards relating to car parking and other matters of street design.

2.5.2 Concerns have been raised in submitted objections with regard to increased traffic volumes, particularly larger vehicles and the impact this may have on the general road safety of the surrounding road network. The application site is accessed via an existing access leading from Sandpiper Drive. There is also good footpath provision in the surrounding area and there is access to public transport stops approximately 350m to the south of the site. Off-street parking is also being provided within the site. Fife Council's Transportation Development Management Team has been consulted on this application and has noted that the amount of off-street parking is acceptable for the development and no concerns were raised with regard to any road safety impacts on the surrounding road network. Given the application site's proximity to the M90, Transport Scotland (TS) was a Statutory Consultee and has raised no objections, however, has requested a condition requiring details of lighting to be submitted. These details were submitted by the applicant prior to determination. TS was reconsulted and raised no concerns with the proposed scheme. No significant concerns would therefore be raised with regard to the application proposal's road safety impact, subject to the imposition of conditions.

2.5.3 The proposal therefore complies with FIFEplan (2017) Policies 1, 3 and 10.

## 2.6 Natural Heritage

2.6.1 FIFEplan Policy 13 requires new development to protect natural heritage assets such as designated sites, woodlands, hedgerows and protected species. FIFEplan Policy 14 requires new development to contribute to good place-making through measures such as landscaping which, together with Policy 13, secure biodiversity benefits from new development.

2.6.2 Concerns have been raised in submitted objections with regard to the level of tree removal proposed, the impact on the FIFEplan (2017) defined green network, the impact on any wildlife which may be present within the site, the impact on neighbouring woodland and the loss of open space. The application proposal would be sited out with the defined green network corridor that borders the site to the south and east. Furthermore, a buffer of at least 10m has been shown on the submitted site plan, however, the closest point of any building within the site would be approximately 15m from the nearest tree to the south. The application proposal would therefore have no significant impact on these features. An area of tree removal is identified on the submitted site plan (approx. 1540sqm), however, it appears that the removal of the trees has largely been completed. Notwithstanding, the submitted ecology appraisal notes that the loss of the (mainly young) trees would be more than compensated for by the proposed planting scheme (965 trees and 600 shrubs). The ecology appraisal also notes no protected species were identified within the site, at the time of survey. It is understood that a Tree Preservation Order application has been made for areas of woodland around the site, however, no decision has yet been reached as to whether the trees are worthy of protection. As such, the trees adjacent to the site and within the site cannot be considered as protected trees. Furthermore, as the site is allocated for an employment use and not as protected open space, no significant weight can be given to this issue.

2.6.3 This application proposes landscaping, mainly at the entrance point to the site. Further landscaping has already been approved through application 19/01730/FULL. This is welcomed and would not only provide a biodiversity benefit, but help soften the visual impact of the development.

2.6.3 The proposal would raise no significant concerns with regard to impact on natural heritage assets. The proposal therefore complies with FIFEplan (2017) Policies 1, 12 and 14.

## 2.7 Flood Risk and Drainage

2.7.1 FIFEplan Policy 3: Infrastructure and Services expects developers to provide on-site infrastructure to serve the needs of the development in relation to both foul water drainage and surface water drainage. Policy 12: Flooding and the Water Environment sets a requirement for proposals to demonstrate that development is not at risk from flooding and will not result in an increase of flood risk elsewhere. Policy 12 also seeks to ensure that new development will not have a significant detrimental impact on the ecological value of the water environment including its natural characteristics, a requirement sustained by FIFEplan Policies 11 and 13.

2.7.2 Concerns have been raised in submitted objection comments regarding potential flooding impacts and the impact this could have on the woods located to the south of the site. The application site is not within a known flood risk area and as such, a flood risk assessment is not required. The application proposal does require a sustainable urban drainage scheme (SUDS) in order to deal with surface water flows. As noted above, the drainage infrastructure to serve this development and the wider site has already been approved through application 19/01730/FULL. A condition will be added to this consent requiring these works to be completed and operational, prior to the first unit coming into use. Fife Council's Structural Services Team has been consulted and have raised no concerns with the proposal.

2.7.3 The proposal would have no significant impact on flooding in the surrounding area. It would therefore comply with FIFEplan (2017) Policies 1, 3 and 12.

## 2.8 Land Contamination/Stability

2.8.1 FIFEplan Policy 10: Amenity requires an applicant to demonstrate the development would not result in a significant detrimental impact on amenity in relation to contaminated and unstable land. Consideration of impacts includes the site and its surrounding area. A site investigation may be required to demonstrate that ground is in a suitable condition to accommodate the development. Where remediation is necessary to make the ground suitable, then these are clearly must be set out in a strategy that is agreed by Fife Council and other appropriate agencies. PAN 33: Development of Contaminated Land is a key reference document in the consideration of ground conditions and the legacy of previous land uses as it relates to proposed future uses.

2.8.2 Concerns have been raised in submitted objection comments with regard to the proposal's potential impact on air quality in the surrounding area. The proposal has been reviewed by Fife Council Land & Air Quality team. It was advised that a condition is applied which ensures that any unsuspected signs of contamination encountered during construction works are appropriately remediated to the satisfaction of the planning authority. An air quality impact assessment has not been requested. Given the size of the development and the nature of the surrounding environment, the proposal would not raise any significant concerns with regard to

air quality. As the proposal is within a Coal Authority Low Risk Area, a Coal Mining Risk Assessment is not required. The development will however be subject to the Coal Authority's standing advice.

2.8.3 No significant concerns would be raised with regard to land contamination, land stability or air quality. The proposal therefore complies with FIFEplan (2017) Policies 1 and 10.

## 2.9 Sustainability

2.9.1 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.

2.9.2 A sustainability statement been submitted with this application which details the low carbon measures that will be taken forward as part of the development, which is acceptable. It is also noted that all properties will be equipped with solar panels.

2.9.3 In light of the above, the proposal continues to comply with Policy 11 of FIFEplan and associated supplementary guidance Low Carbon Fife (2019).

## CONSULTATIONS

Transport Scotland	No objections.
Scottish Water	No objections.
Land And Air Quality, Protective Services	No objections.
Transportation, Planning Services	No objections.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Environmental Health (Public Protection)	No objections.

## REPRESENTATIONS

11 objections have been received. Concerns raised include:

- Loss of trees which are currently subject to a TPO request - Addressed in Section 2.6
- Other brownfield sites available - Addressed in Section 2.2
- Impact on the defined green network - Addressed in Section 2.6
- Insufficient buffer zone from existing woodland - Addressed in Section 2.6
- Town centres first principle not followed - Addressed in Section 2.2
- Impact on woodland to the south of the site - Addressed in Section 2.6
- Road safety impacts on Sandpiper Drive - Addressed in Section 2.5
- Noise and air pollution impacts - Addressed in Section 2.4 and 2.8
- Impact on wildlife - Addressed in Section 2.6
- Flooding impacts - Addressed in Section 2.7

## CONCLUSIONS

The proposal, to erect 10 industrial units comprising of use classes 4, 5 and 6, has been reviewed against the terms of the development plan in relation to: the principle of development; amenity; transportation; natural heritage; flood risk and drainage; land contamination and sustainability. In all aspects, the proposal accords with the development plan. The proposal would bring a vacant allocated site into beneficial use for employment land uses thereby having a positive impact on the economy of the local area. As such, the proposal accords with the spatial strategy of the development plan and support economic growth to create sustainable mixed communities in this location.

## RECOMMENDATION

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

1. No part of the development shall be brought into use before all the infrastructure works approved through planning applications 19/01730/FULL & 19/03581/FULL are completed in full and the required infrastructure is available for use.

Reason: To ensure adequate infrastructure is in place, prior to the development coming in to use.

2. All planting carried out on site shall be maintained by the developer in accord with good horticultural practice for a period of 5 years from the date of planting, unless confirmation is submitted in writing to the planning authority of alternative arrangements. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

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

3. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, the developer shall submit a Construction Phase Tree Protection Method Statement for the written approval of the planning authority. Thereafter, the approved tree protection measures described therein shall be in place before construction works start on site and retained for the full extent of the construction phase of this development hereby approved.

Reason: In the interests of tree protection; to ensure construction activities associated with this development avoid harm to nearby trees.

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 the occupation of the first unit, visibility splays 2.4m x 43m shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junctions of the vehicular accesses and the public road, in accordance with the current Fife Council Making Fife's Places Appendix G. Thereafter, the visibility splays shall be retained free of obstruction for the lifetime of the development.

Reason: In the interest of road safety; to ensure adequate forward visibility is maintained.

6. Prior to the occupation of the first unit, there shall be provided within the curtilage of the site 63 communal parking spaces including 2 electric vehicle charging spaces for vehicles, in accordance with the current Fife Council Making Fife's Places Appendix G. The parking spaces shall each have a minimum width of 2.5 metres and length of 5m and shall be retained in perpetuity.

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

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

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

Development Plan:

Adopted Fife Local Development Plan 2017 (FIFEplan)

Making Fife's Places Supplementary Guidance 2018

Other Guidance:

Circular 3/2009: Notification of Planning Applications

PAN33: Development of Contaminated Land

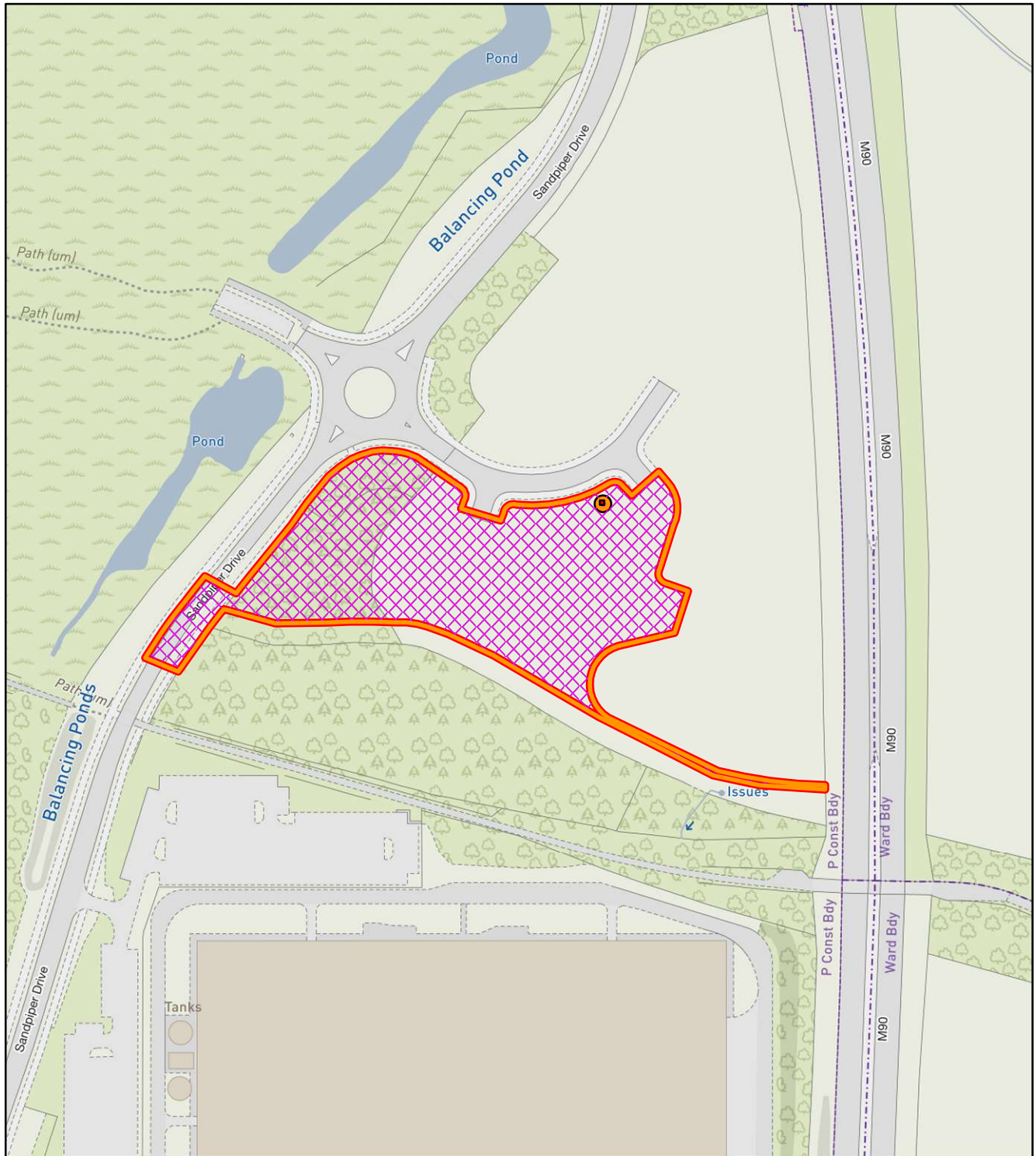
Report prepared by Jamie Penman, Planner

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

Date Printed 29/06/2022

# 22/00926/FULL

## Land To The East Of Sandpiper Drive Dunfermline



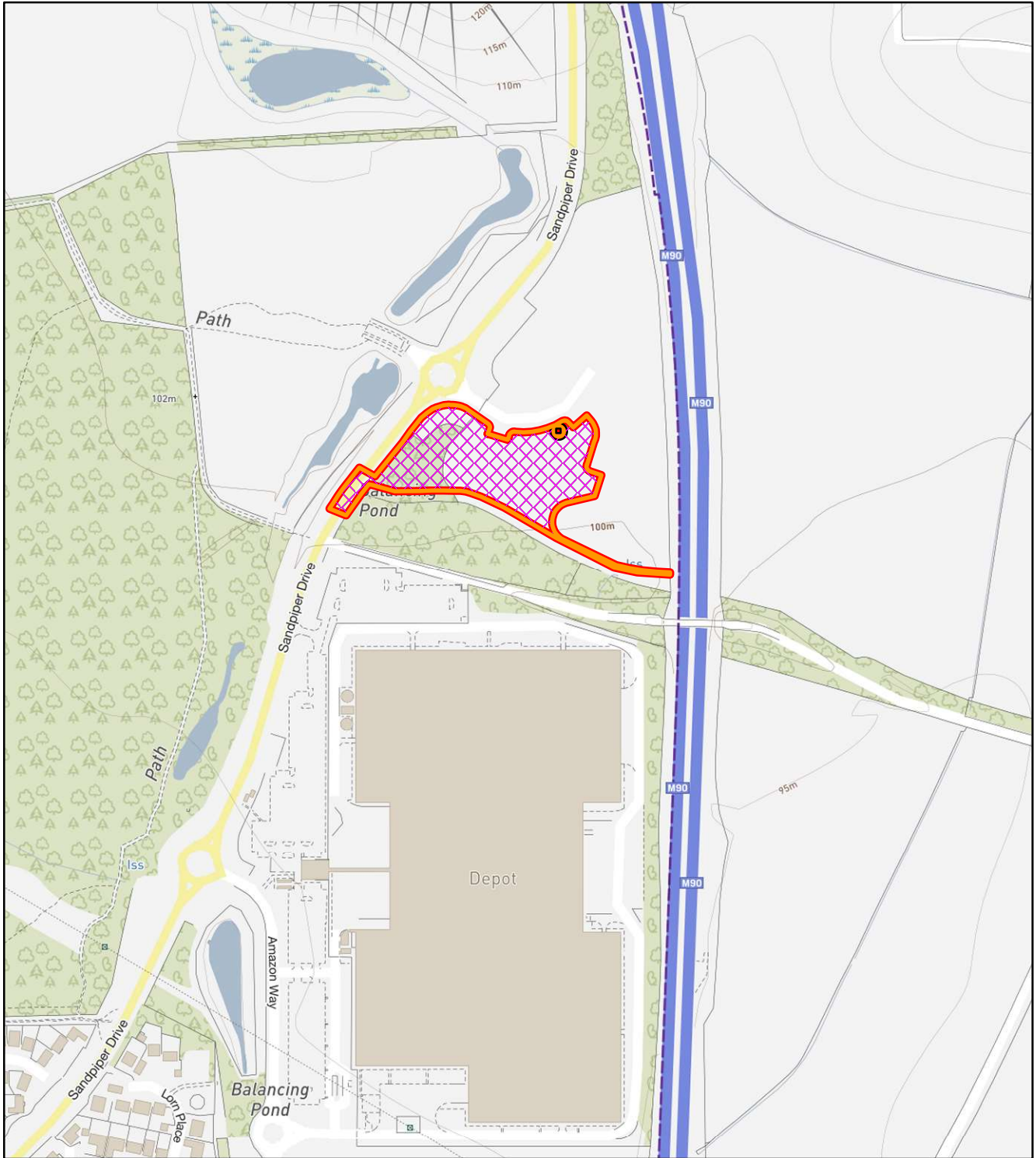
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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	



# 22/00926/FULL

## Land To The East Of Sandpiper Drive Dunfermline



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

**ITEM NO: 7**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/03174/FULL**

**SITE ADDRESS: ALBERT HOTEL 25 MAIN STREET NORTH QUEENSFERRY**

**PROPOSAL: CHANGE OF USE FROM HOTEL (CLASS 7) TO 4 FLATTED DWELLINGS (SUI GENERIS) AND EXTERNAL ALTERATIONS INCLUDING THE INSTALLATION OF WINDOWS, DOORS AND GLAZED BALCONIES**

**APPLICANT: FESTIVAL INNS SAAS  
1A LYNEDOCH PLACE EDINBURGH SCOTLAND**

**WARD NO: W5R06  
Inverkeithing And Dalgety Bay**

**CASE OFFICER: David Shankland**

**DATE REGISTERED: 22/11/2021**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application could be determined under delegated authority, but the associated application for listed building consent would be subject to a different appeal route unless both the applications are determined together by Committee.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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



Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

## 1.0 BACKGROUND

### 1.1 Site Description

1.1.1 The application site relates to the existing vacant Albert Hotel which is an early 19th century two and half storey Category C listed building situated within the historic village of North Queensferry. The application site, which is also situated within a vibrant tourist destination, is defined in the Adopted FIFEplan (2017) as being situated in North Queensferry Conservation Area. The building itself, which appears from the documentation submitted with the application to have last been in use approximately 4 years ago, is of traditional style and construction with natural sandstone walls and slate roof. Whilst the building is largely structurally sound, it has been in decline for a number of years and it is understood to be partially dangerous. The building also occupies a prominent location at the corner of Main Street and Battery Road that overlooks the Firth of Forth and the Forth Rail Bridge World Heritage Site towards South Queensferry beyond. To the north and west, the application site is bound by public roads (Battery Road and Main Street respectfully), adjacent to which are residential properties; to the south, the site bounds onto residential flatted dwellings; and to the east the site bounds the Firth of Forth. The immediate surrounding area is predominately residential in nature with a limited amount of small-scale commercial uses. There is a limited number of off-street parking spaces associated with the building off Battery Road.

### 1.2 Application Proposal

1.2.1 The application seeks full planning permission for change of use from hotel (Class 7) to 4 flatted dwellings (Sui Generis) and external alterations including the installation of windows, doors and glazed balconies. In addition to the scaled drawings, the agent has also submitted a Design and Access Statement; a Planning Appraisal Statement; a Structural Inspection Statement; a Building Fabric Statement; Building Marketing Statement's; and a Low Carbon Statement for consideration.

1.2.2 Whilst it is recognised that there are discrepancies within the submitted Design and Access Statement and the proposed floor plans other than the refurbishment and upgrading of all existing windows to include slimlite double glazed units and the blocking up of a former door opening on the south elevation with stone to match the existing building, the external works proposed would, in the main, relate to the northern and eastern elevations of the building. On the north elevation, it is proposed to install a total of 4 white coloured timber framed windows to match existing which would be in the location of 3 original windows openings and 1 door opening which have been blocked up. The area below the proposed window of the former door opening would then be infilled with stone to match existing. In respect to the rear elevation, a total of 4 contemporary designed steel framed balconies with glazed balustrades are proposed at ground and first floor levels which, with dimensions of approximately 2.5 metres in width by 1.2 metres in depth, would provide a limited amount of amenity space for the proposed residential development. Access to the proposed balconies would be taken from the proposed timber framed glazed doors which would be formed by altering and extending existing window openings

to ground floor level. The proposed doors include transom and mullion profiles to match existing windows. At basement level, a limited amount of private amenity space would be provided for 2 flatted dwellings which would be accessed from 3 proposed timber framed glazed doors to match those proposed on the levels above. Consistent with the upper levels, 2 of the proposed doors would be formed by altering existing window openings and extending down to ground level. Internally, the submitted floor plans show that there would be one 2 bedroomed flatted dwelling and three 3 bedroomed flatted dwellings. Two of the proposed flatted dwellings would be duplex, with their respective accommodation being on the ground floor and in the basement, and the upper floors (first and second floor) would accommodate one flatted dwelling on each. An internal communal bin storage area is proposed at ground floor level. Access to the proposed flatted dwellings would continue to be taken from the existing entrance on the west elevation. The agent has also identified on the submitted proposed floor plans a total of 3 off-street parking spaces off Main Street and Battery Road. As part of the overall development the applicant also proposes to remove the existing painted signage on the front and gable elevations however this would not require planning permission.

### 1.3 Planning History

#### 1.3.1 The planning history to this premises include the following:

- Planning permission for alterations and extensions to hotel to form extended kitchen and dining area (Planning Reference 02/00850/WFULL) was approved, subject to conditions, in October 2002;
- An accompanying listed building application for alterations and extensions (Planning Reference 02/00857/WLBC) was also approved in October 2002;
- Planning permission for alterations and extension to hotel conservatory (Planning Reference 03/02948/WFULL) was approved, subject to conditions, in November 2003;
- An accompanying listed building application for alterations and extensions to hotel including removal of stone walls and installation of replacement windows (Planning Reference 03/02947/WLBC) was approved, subject to conditions, in December 2003;
- Planning permission for the erection of a single storey extension to hotel (Planning Reference 04/00629/WFULL) was approved, subject to conditions, in May 2004;
- An accompanying listed building application for alterations and extensions to hotel (Planning Reference 04/00623/WLBC) was also approved, subject to conditions, in October 2002;
- A planning application for two dormer extensions and two rooflights to front and two dormer extensions to rear of hotel (Planning Reference 11/03007/FULL) was then approved, subject to conditions, in November 2011;
- An accompanying listed building application for two dormer extensions and two rooflights to front and two dormer extensions to rear and internal alterations to hotel (Planning Reference 11/03010/LBC) was also approved, in November 2011;
- Planning permission for alterations and extension to hotel (Planning Reference 13/03650/FULL) was then approved, subject to conditions, in March 2014;

- An accompanying listed building consent for alterations and extension to hotel (Planning Reference 13/03658/LBC) was also approved, subject to conditions, in March 2014;
- Planning permission for change of use from Hotel (Class 7) to form 4no. flatted dwellings and external alterations including enlargement of dormers, windows and formation of 4 no. balconies (Planning Reference 20/03156/FULL) was withdrawn in June 2021;
- An accompanying listed building consent application for internal and external alterations to form 4 flatted dwellings including enlargement of dormers and window openings and installation of 4 no. balconies (Planning Reference 20/03157/LBC) was also withdrawn in June 2021; and, lastly
- A related listed building application has been submitted in tandem with the current planning application which seeks listed building consent for internal and external alterations to form 4 flatted dwellings including installation of windows, doors and 4 glazed balconies (Planning Reference 21/03176/LBC). This application is also included on the agenda.

## 1.4 Application Process

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

## 2.0 Planning Assessment

2.1 Issues to be assessed against the Development Plan are as follows:

- Principle of Development
- Design/ Visual Impact on Listed Building and Conservation Area
- Residential Amenity
- Garden Ground
- Road Safety
- Houses in Multiple Occupation
- Low Carbon

## 2.2 Principle of Development

2.2.1 The national context for new development is set out within the Scottish Planning Policy (2014). This document emphasises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place. For new residential units, the SPP continues that these should be concentrated within existing settlements and encourages the re-use of redundant or vacant buildings and the re-use of brownfield sites. The document also aims to promote high quality design and the protection of the existing urban character.

2.2.2 One of the many aims of SESplan, in addition to conserving and enhancing the natural and built environment, is to promote the development of urban brownfield land for appropriate uses. The application site, as detailed in section 1.1.1, is identified within the Adopted Local Plan as being located within the historical settlement of North Queensferry. Policy 1, Part A, of the Adopted Local Plan stipulates that the principle of development will be supported if it is either (a)

within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan Team. Policy 1, Part B of the Adopted Local Plan advises that development proposals must address their development impact by complying with the following relevant criteria and supporting policies, including, where relevant, to avoid the loss of valuable cultural, tourism, and community resources as per Policy 3. In direct response, it must therefore be acknowledged from the outset that given the application site is located within the settlement envelope of North Queensferry in an area which is predominately residential in nature, and when setting aside the issue of the loss of the existing hotel which is discussed in detail below, in simple land use grounds it is considered a residential use at this location may otherwise be considered to be acceptable in principle. Notwithstanding this, and as detailed below, there is a balance to be struck between the proposed residential use and the loss of the existing Hotel as a tourist and community asset in accordance with the requirements of Policies 1 and 3.

2.2.3 Policies 1 and 3 of the Adopted Local Plan resists the loss of valuable tourist and community facilities which include hotels, public houses and restaurants. It is also acknowledges that these types of uses can contribute to the quality of the community and place as supported by the SPP and Making Fife's Places Supplementary Guidance (2018). Policy 3 of the Adopted Local Plan elaborates that the loss of valuable employment, tourism and/or local community facilities, as aforementioned, may only be deemed acceptable if the proposal is accompanied by a statement that demonstrates, through evidence of marketing for a reasonable time period (at least 18 months) at a fair market value for that use, that;

- the existing use is not viable;
- the existing building cannot be reused for its existing purpose;
- that equivalent alternative facilities exist in the local community; and,
- that the site cannot be redeveloped for a local community or tourism purpose.

2.2.4 The proposal has attracted a significant number of objections from local residents, including the North Queensberry Community Trust, citing concerns that the application remains contrary to the Development Plan; it would result in the potential loss of jobs; it would result in the loss of the few remaining public houses/ community hub in North Queensferry within the vibrant tourist attraction; there is insufficient evidence submitted to show the building is not viable or cannot be used for its existing purpose; and, the application continues to provide insufficient information relating to the marketing of the property for a period of 18 months at a fair marketable value. Overall, and as evidenced by the content of objections lodged, many residents within the village consider that the permanent loss of the tourist and community facility would be to the detriment of the vitality and vibrancy of the community and that the viability of the use of the hotel over the years has been compromised by the actions and business plan put in place by the current owners. The agent has confirmed that, whilst the applicant has discussed the loss of the community facility with representatives of a North Queensferry local community group seeking to purchase the property and re-open it as a hotel, no agreement has been reached as they consider the groups valuation of the premises to be unrealistic. Whilst no agreement has been reached, it is understood talks are continuing through the provisions of the Land Reform Scotland Act 2003. Notwithstanding this, members must also recognise that this is a separate matter to the planning process.

2.2.5 In addition to the above, and as part of the consultation process, North Queensferry Community Council have also objected to the application citing, in the main, similar concerns to those expressed by local residents in relation to the permanent loss of the tourist and community facility.

2.2.6 It should be noted that in the past and when operational, as detailed within the submitted Marketing Statement, that in addition to the hotel's main income generation coming from tourists; the open golf attendees; Edinburgh Festival attendees; weekenders on discount vouchers; and from both tourists and locals dining in the bar/ restaurant, the hotel itself would also host the community for annual events such as the gala day celebrations.

2.2.7 In accordance with the requirements of Policy 3 of the Adopted Local Plan, it is imperative, when assessing the Albert Hotel's value as a tourist and community facility, that consideration is given to the availability of similar facilities within North Queensferry. In this regard, the agent contends that there would be limited demand for the licensed Albert Hotel to be used as a valuable tourist and community facility as North Queensferry is served by commercial leisure and licensed premises in the form of the Wee Restaurant, Rankins Café, Ferrybridge Hotel and the Doubletree by Hilton. As detailed in the opening section of the report, the Albert Hotel is located within a prominent location within the village that overlooks the Firth of Forth and the Forth Rail Bridge World Heritage Site towards South Queensferry beyond, which, in itself, could be considered an attractive destination. The Wee Restaurant and Rankin's café are located approximately 30 metres and 70 metres to the north of the Albert Hotel and whilst acknowledging that they do provide valuable tourist and community use, their respective facilities are not comparable to that of the licensed premises of the Albert Hotel. The Ferrybridge Hotel, which is located approximately 90 metres to the north, is of a similar nature and scale to the Albert Hotel but is now closed and no longer therefore provides any commercial leisure or licensed use. Lastly, the Doubletree by Hilton is of a larger scale to the Albert Hotel, offering 147 bedrooms and dining and drinking facilities. However it is located approximately 1 kilometre to the north of the application site. In summary, given the limited number of similar operational facilities located within North Queensferry, it is considered that the licensed Albert Hotel is a valuable tourist and community facility which, if operational, would undoubtedly contribute to the quality, vitality and vibrancy of the community and provision of facilities for tourists.

2.2.8 Consistent with the previous aforementioned 2020 planning application for the site, the agent has submitted supporting information with the planning application which includes a Planning Appraisal Statement; a Structural Inspection Statement; a Building Fabric Statement and Building Marketing Statement's for consideration. Whilst it is noted that there are some inconsistencies within the Planning Appraisal which states the Albert Hotel was sold in February 2015 and has been closed since then when compared with the other aforementioned supporting documents in this regard, it is understood that the applicant purchased the property in 2013 and it has been closed since 2017. In a supporting letter produced by IME Property Limited, a commercial property agency, it is advised that the applicant first contacted the company in June 2016 to sell the premises in its current use. IME confirmed that the property was at that time valued at £500,000 which was based on a valuation report produced by J&E Shepherd Chartered Surveyors in May 2016. The said valuation report has also been submitted for consideration with the planning application which details the valuation of the property was, at that time, prepared on a desktop basis only and required to be read in conjunction with their original detailed reports of 1st September 2012 for the property. It elaborates that the updated valuation summary was intended for quick purposes only and must be considered in context of the entire 2012 report which does not form part of the current planning application. The property was not re-inspected for the purposes of the aforementioned updated valuation report produced by J&E Shepherd Chartered Surveyors. IME Property Limited, within their supporting letter, advises that they contacted their list of hospitality and leisure operators on a confidential basis only due to the hotel at the time having an existing tenant, and, over the period of time from June

2016, they initially had 16 notes of serious interests. Notwithstanding this, the company confirms these notes of interest were difficult to progress as most interested parties were looking for vacant possession. The company elaborate within their submission that as it became clear to them over a period of approximately 12 months that to progress a sale, they advised the applicant the interested parties would need to be able to conduct an extensive survey of the property, as the building had developed obvious structural defects. The supporting letter continues that the applicant was able to evict the tenant in the summer of 2017 and grant full access, allowing potential buyers to instruct a full survey. Following this, the selling agent confirms that only one offer was made, which was of the said market valuation, but this was subject to a survey. The offer was subsequently withdrawn in June 2019 following the completion of the survey by the prospective buyer due to the associated costs involved in carrying out the necessary structural repairs. Details of the building fabric overview carried out by the prospective purchaser dated 23rd April 2019 has been submitted with the planning application. Upon receiving the information from the survey, IME conclude in their supporting letter that they advised the applicant to take the property off the market and have a full survey carried out.

2.2.9 Since the original detailed valuation report was carried out in 2012 (and the subsequent desktop review of 2016), there is clear reference to the need for substantial investment in building in terms of costs associated with necessary structural works., Despite this, it is noted from the planning submission, that the applicant is seeking to recoup the same market value which was paid for the property and business in 2013. No further updated market valuation reports formulated by competent professionals have been submitted for consideration in addition to that detailed above, or indeed any supporting evidence that the property has been actively marketed since IME property ltd advised the applicant in June 2019 to take the property off the market and have a full survey carried out. In summary, it is considered that insufficient evidence has been submitted with the planning application that demonstrates the property and business has been actively marketed for a period of 18 months at a fair market value.. From this information it is therefore considered that the proposal is contrary to Policy 3 of the Adopted Local Plan in this regard.

2.2.10 As part of the required justification for the proposed change of use the applicant was asked to submit the financial accounts for the business operations at the Albert Hotel as completed by a competent and accredited Accountant. This specific information has not been provided, however a Marketing Statement produced by KSL Leisure has been submitted for consideration which details from 2012 to 2017 the Albert Hotel had three experienced tenants. The statement highlights that budget and cashflow information were provided by each, however actual income vs expense was falling short of the forecasts. The example provided within the statement highlights that for the year 2016-2017 the actual turnover for the business operations was £290,000 compared with the forecasted turnover of £400,000. The statement also advises that service costs had risen significantly which resulted in the applicant reducing the rent payable in the last year of trading by 50% to assist the tenant but this was not enough to offset rising costs and declining sales. The statement concludes that with the minimal income from local trade and the year on year decline of any significant hotel trade, the operation of the property as a hotel with bar and dining facilities is not economically viable and that any investment would be better utilised in redevelopment of the property for the residential market. Whilst the view of the author of the submitted Marketing Statement is noted, in the absence of actual financial accounts for the Albert Hotel when it was operational, there is insufficient evidence submitted with the application that demonstrates the operation of the business is not viable.

2.2.11 Overall, and in light of the above, it is considered that insufficient evidence has been submitted that demonstrates that the use of the premises as a licensed Hotel (Class 7) business is not viable. In addition, it is also considered that insufficient evidence has been submitted that demonstrates the property and business has been actively marketed for a period of 18 months at a fair market value. The principle of the proposed change of use from Hotel (Class 7) to 4 flatted dwellings is therefore not acceptable and is considered to be contrary with the provisions of Policies 1 and 3 of the Adopted FIFEplan (2017).

### 2.3 Design/ Visual Impact on Listed Building and Conservation Area

2.3.1 Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 applies and states that, in considering whether to grant planning permission for development which affects a listed building or its setting, a Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Scotland Policy Statement (April 2019) and Managing Change in the Historic Environment - Setting (2016), Policies 1, 10 and 14 of the Adopted Local Plan, Making Fife's Places Supplementary Guidance (2018) and North Queensferry Conservation Area Appraisal (2011) also apply in this instance.

2.3.2 Scottish Planning Policy 2014 (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development within a Conservation Area shall be appropriate to the character and setting of the Conservation Area and Listed Buildings. It also advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use. Planning permission should normally be refused for development within a Conservation Area that fails to preserve or enhance the character or appearance of the area. The Historic Environment Scotland Policy Statement (2019) advises that it is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials. Managing Change in the Historic Environment - Setting (2016) states that development proposals should seek to avoid or mitigate detrimental impacts on the setting of historic assets

2.3.3 Policies 1 and 10 of the Adopted Local Plan advise that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area, whilst Policy 14 states that proposals will not be supported where it is considered they will harm or damage the character or special appearance of a Conservation Area, and its setting having regard to Conservation Area Appraisals and associated management plans. Policy 14 of the Adopted Local Plan continues that development will not be supported where it also harms the character or appearance of listed buildings or their setting, including structures or features of special architectural or historic interest. Any proposals to alter listed buildings must also be sympathetic to the existing scale and character of the building.

2.3.4 Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018) advises that existing traditional windows should be retained and repaired wherever possible and that if windows are required to be replaced, they should match the originals wherever possible. The guidance also advises that plant-on or sandwich astragals are unacceptable if they are placed on a public elevation. Historic Environment for Scotland Managing Change in the Historic Environment - Windows (2018) advises that windows in listed buildings should only be replaced if they are beyond repair and should match the original windows by way of its design, form, fixing, method of opening and material.

2.3.5 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. It additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how developments proposals can be evaluated to ensure compliance with the six qualities of successful places. Lastly, the Supplementary Guidance recognises that the built environment has been adapted over time to meet changing needs, stating that protecting the historic environment is not about preventing change but ensuring that changes are appropriate to their location. Sustainable management of the historic environment should be based on a Conservation Area appraisal.

2.3.6 Fife Council's North Queensferry Conservation Area Appraisal and Management Plan (2011) provides a detailed conservation review of the village's Conservation Area boundaries. Further to this, it also aims to highlight the key significance of the area in terms of townscape, architecture and historic issues considered to be important to the character of the town as a whole. The document also identifies important conservation issues and provides a framework for the Conservation Area's future management. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within SPP and HES Historic Environment Policy for Scotland (May 2019).

2.3.7 As detailed above, a Design and Access Statement has been submitted which sets out the history of the building and a design brief for the proposal.

2.3.8 Objections have been received from 3rd parties citing concerns that the building has deteriorated due to neglect from the existing owner and the inclusion of the proposed glazed balconies and the additional loss of the existing painted signage would have a detrimental impact on the character and appearance of the existing Category C listed building and its surrounding historical environment. As detailed above, the removal of the painted signage does not require planning permission, however, this is assessed separately within the accompanying listed building consent application (Planning Reference 21/03176/LBC). Matters relating to the design of the proposed development are considered below.

2.3.9 Due to the nature of the proposal, Fife Council's Built Heritage Team was consulted on the application and from the outset the team has advised that a new use could be supported that would help retain the long-term future of the building which in itself has been in decline for a number of years since it has lain empty. In respect to the proposed new windows and doors, as detailed in section 1.2.1, these are of traditional design and construction and would therefore be visually in keeping with the existing building and would preserve the historic character and appearance of this Category C listed building. Equally, it is also considered that the proposed masonry elements of the development, subject to the inclusion of a condition that ensures they matched the existing natural sandstone, would also be a respectful and sensitive alteration to the fabric of the existing building. Given the prominent location of the building, the contemporary designed glazed balconies that are proposed on the rear elevation, would be easily visible from numerous public vantage points. Although the agent has referred within the submitted Design and Access Statement to two other buildings within the village that have balconies on the principle elevations, neither are historic or listed buildings. Any compromise on the rear elevation would therefore have to be based on a sympathetic conversion and repair of the hotel. In the absence of an acceptable alternative use for the building which would secure its long-term future it is considered that the inclusion of the modern contemporary designed balconies to the



rear of the building are not justified. If an alternative use that was looked upon favourably in principle was nevertheless to come forward for the building that would secure its long term-future, it is also considered in that context there may be justification for changes to the fabric of the building to meet the needs of the new use. Notwithstanding this, and as it currently stands, the changes to the fabric of the building relate to an alternative use which, as detailed in section 2.2, is not supported in planning terms and, as such, there is therefore no justification for the proposed contemporary designed balconies. In the interests of safeguarding the character and appearance of the existing Category C listed building it is therefore considered that the proposed balconies in terms of their modern design and choice of materials would have a detrimental impact upon the historic character and appearance of this Category C listed building and its setting. The proposal is therefore contrary to Scottish Planning Policy (2014), Historic Environment Scotland Policy Statement (2019), Managing Change in the Historic Environment - Setting (2016) and Policies 1,10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

## 2.4 Residential Amenity

2.4.1 Policies 1 and 10 of the Adopted Local Plan and Fife Council's Planning Customer Guidelines on Daylight and Sunlight advise that new development should not lead to the loss of privacy or sunlight and daylight. Policy 10 of the Adopted Local Plan also states that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected. Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

2.4.2 The main consideration in this instance relates directly to any impact the proposed flatted dwellings would have on the amenity of neighbouring residential properties in relation to loss of privacy.

2.4.3 Overall, and taking into account the context of the site, the conversion of the existing redundant hotel building to flatted dwellings, has been designed in a manner that ensures there would be no significant detrimental residential amenity issues raised. The application therefore meets the requirements of the Development Plan and other guidance in this regard. This would not however be the determining factor in this instance for the reasons identified in sections 2.2 and 2.3 of the report.

## 2.5 Garden Ground

2.5.1 Policies 1 and 10 of the Adopted Local Plan and Fife Council's Planning Customer Guidelines on Garden Ground advise that new flatted dwellings must be set in or have at least 50 square metres of private garden for each flat. This does not include space for garages, parking or manoeuvring vehicles.

2.5.2 Objections have been received from 3rd parties raising concerns that the proposed development would provide insufficient garden ground for the proposed residential development contrary to the above guidance. In this regard, and as highlighted in section 1.2.1, whilst it is appreciated that the proposed development would only provide a limited amount of garden ground of under 50 square metres at basement level for two of the proposed flatted dwellings and would not therefore meet the above criteria, the above guidelines do however allow for a relaxation to be made where the development involves the conversion of a listed or redundant

building. It is therefore considered that it could be reasonable in this instance to set aside the above requirement for amenity space. The proposal would therefore be considered acceptable in this regard. However, again, this would not be the determining factor in this instance for the reasons identified in sections 2.2 and 2.3 of the report.

## 2.6 Road Safety

2.6.1 Policy 1, Part C, criterion 2, requires development proposals to provide on-street infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of the Adopted Local Plan, amongst other criteria, continues that development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Accordingly, development proposals are required to demonstrate how they address any impacts on road safety. Policy 10 of the Adopted Local Plan supports development where it does not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

2.6.2 This application has attracted objection comments that contend the proposal would have a detrimental impact on road safety due to the lack of off-street parking proposed to service the proposed flatted dwellings.

2.6.3 As detailed in the background section of the report, the agent has identified on the proposed floor plan drawings the provision of 3 off-street parking spaces to accommodate the proposed residential development which would be within the area of ground on the northern side of the existing building in which was previously, albeit unaligned, utilised for parking by the hotel.

2.6.4 Fife Council Transportation Development Management Team (TDMT) was consulted on this application and whilst not objecting to the proposed development has advised the layout of the 3 parking spaces, as shown on the submitted proposed floor plan drawing, is not acceptable as the proposed space that is parallel to the public footway is not acceptable as manoeuvring in and out of it via the existing vehicular crossing of the footway (on Battery Road) would be a convoluted process. As a result, the TDMT has advised that drivers would likely to therefore choose to attempt to park "nose in" resulting in their vehicle overhanging the public footway. The vehicle annotated using this space on the submitted floor plan would therefore have had to take access from Main Street adjacent to its junction with Battery Road which would not be looked upon favourably as the TDMT would not support the formation of a new vehicular crossing of the footway at this point for pedestrian and road safety reasons. Therefore, and in relation to the existing parking area for the hotel, the TDMT has confirmed only 2 parking spaces could be provided within an acceptable layout.

2.6.5 In relation to the necessary parking provision for the proposed 4 flatted dwellings, which as aforementioned consists of one 2 bed flat and three 3 bed flats, the TDMT advises that a total of 8 communal parking spaces would be required, in accordance with the current Fife Council Making Fife's Places Appendix G. The proposed development would therefore result in a shortfall of 6 communal parking spaces. Notwithstanding this, consideration must also be given to the parking provision that is required for the existing hotel. In this regard, and when taking into consideration the commercial uses associated with the building, the TDMT has confirmed the existing hotel has a notional parking requirement of approximately 21-22 spaces when compared with the 8 communal parking spaces that would be required for the proposed 4 flatted

dwellings. Notwithstanding this, the TDMT continue that they also accept that a percentage of customers previously visiting or staying at the hotel would have arrived by train or bus. In addition, it is also acknowledged that in a location such as this, tourists/ visitors may also have gone for a meal/ drink after visiting North Queensferry's other attractions. As a result, the team note that tourists/ visitors would likely to have therefore made use of the Battery Road public car park to the east of the hotel, Deep Sea World car park or the limited available on-street parking during their visit to the village. In conclusion, and although the TDMT acknowledge that residential properties ( commercial uses do tend to generate a 24-hour demand for off-street parking , the proposed 4 flatted dwellings would nevertheless have a significantly lower off-street parking requirement when compared against the previous hotel use. As such, the TDMT has no objection to planning permission being granted, subject to the inclusion of appropriate conditions relating to the provision of an updated plan to address the above and the provision of 2 communal parking spaces being provided for the lifetime of the development.

2.6.6 In light of the above, it is considered that appropriate conditions, in accordance with those identified by the TDMT, could be included in any planning permission to ensure the development would meet the requirements of the Development Plan regarding road safety. Notwithstanding this, and for the reasons identified in sections 2.2 and 2.3 of this report, this would not however be the determining factor in this instance.

## 2.7 Houses in Multiple Occupation

2.7.1 Policies 1 and 2 of the Adopted Local Plan states that the Council supports the future development of purpose-built house accommodation which can specifically serve the needs of those who may benefit from this type of accommodation. At the same time there is a need to protect new development from being priced out of the market for general needs and affordable homes. The policies therefore prohibit the use of new houses and flats as HMOs and seeks to control the changes in use of existing property for use as HMOs. In this case, the applicant does not propose to use the flatted dwellings as HMO's. A condition could therefore be attached to any planning permission to ensure the application would comply with Development Plan in this respect. This would not however again be the determining factor in this instance for the reasons identified in sections 2.2 and 2.3 of the report.

## 2.8 Low Carbon

2.8.1 Policies 1, 3 and 11 of the Adopted Local Plan and Fife Councils Low Carbon Fife Supplementary Guidance (2019) all apply in this regard which 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) also 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.

2.8.2 The agent has submitted a Low Carbon Sustainability Statement in support of the application which sets out how the existing building would be sensitively converted, such as the restoration of existing windows to minimise heat loss, to meet the low carbon/sustainability targets mentioned above and required by the relevant Building Regulations. This also includes, where necessary, materials being sourced from local suppliers and manufacturers when required. The proposal would therefore incorporate sufficient energy efficiency measures which

would contribute towards the current carbon dioxide emissions reduction target. The proposal is therefore capable of meeting the requirements of the Development Plan in this respect. This would not again however be the determining factor for the reasons identified in sections 2.2 and 2.3 of the report above.

## CONSULTATIONS

Scottish Water	Has no objection to planning permission being granted.
Built Heritage, Planning Services	Has provided advice on the proposed development.
Transportation And Environmental Services - Operations Team	Has not responded within the statutory period.
Transportation, Planning Services	Has recommended the application for conditional approval.
Community Council	Has objected to the proposed development on the grounds of the principle of the development and visual amenity.

## REPRESENTATIONS

A total of 133 letters of objection and 1 general comment have been received in relation to this application. The material considerations relating to these concerns have been addressed under sections 2.2 Principle of Development, Section 2.3 (Design/ Visual impact on setting of Listed Building), Section 2.4 (Residential Amenity), Section 2.5 (Garden Ground) and Section 2.6 (Road Safety) of this report of handling. The other concerns raised relate to internal alterations and the removal of the existing signage, however, these matters would not be a material planning consideration and would be matters to be considered through the corresponding listed building consent application (21/03176/LBC).

## CONCLUSIONS

In the interests of safeguarding the existing hotel (Class 7) and the settlement of North Queensferry from unjustified development; the applicant has failed to provide sufficient evidence that demonstrates the existing property and business has been actively marketed for a period of 18 months at a fair market value. In the absence of this information, the Planning Authority cannot therefore be satisfied that the existing hotel (Class 7) cannot be re-used for its existing purpose and that the site cannot be redeveloped for a local community or tourism purpose. The principle of the proposed development is therefore contrary to Scottish Planning Policy (2014) and Policies 1 and 3 of the Adopted FIFEplan (2017). In the absence of an acceptable alternative use for the building which would secure its long-term future, it is also considered that the inclusion of the proposed modern glazed balconies is not justified. As such the proposed balconies by virtue of their modern design and choice of materials would have a detrimental impact upon the historic character and appearance of this Category C listed building which would be contrary to Scottish Planning Policy (2014), Historic Environment Scotland Policy Statement (2019), Managing Change in the Historic Environment - Setting (2016), Policies 1,10

and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. Due to a lack of relevant information and protecting the settlement from unjustified development; in the absence of sufficient evidence that demonstrates the property and business has been actively marketed for a period of 18 months at a fair market value, the Planning Authority cannot be satisfied that the existing Hotel (Class 7) cannot be re-used for its existing purpose and that the site cannot be redeveloped for a local community or tourism purpose. The proposed development is therefore contrary to Scottish Planning Policy (2014) and Policies 1 and 3 of the Adopted FIFEplan (2017).

2. In the interests of preserving the character and historical integrity of the Category "C" Listed Building from unjustified development; the proposed balconies, by virtue of their design and choice of materials would introduce a visually discordant and visually intrusive element at this prominent location to the detriment of the historical character and appearance of the listed building and its historical setting. The proposed development is therefore contrary to Scottish Planning Policy (2014), Historic Environment Scotland Policy Statement (2019), Managing Change in the Historic Environment - Setting (2016), Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

## **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.

### 3. National Guidance:

SPP - Scottish Planning Policy (2014)

Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Historic Environment Scotland Policy Statement (May 2019)

Historic Environment Scotland's Managing Change in the Historic Environment (2010)

### Development Plan:

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

### Other Guidance:

Fife Council Customer Guidelines on Garden Ground (2016)

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

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

Fife Council's North Queensferry Conservation Area Appraisal and Management Plan (2011)

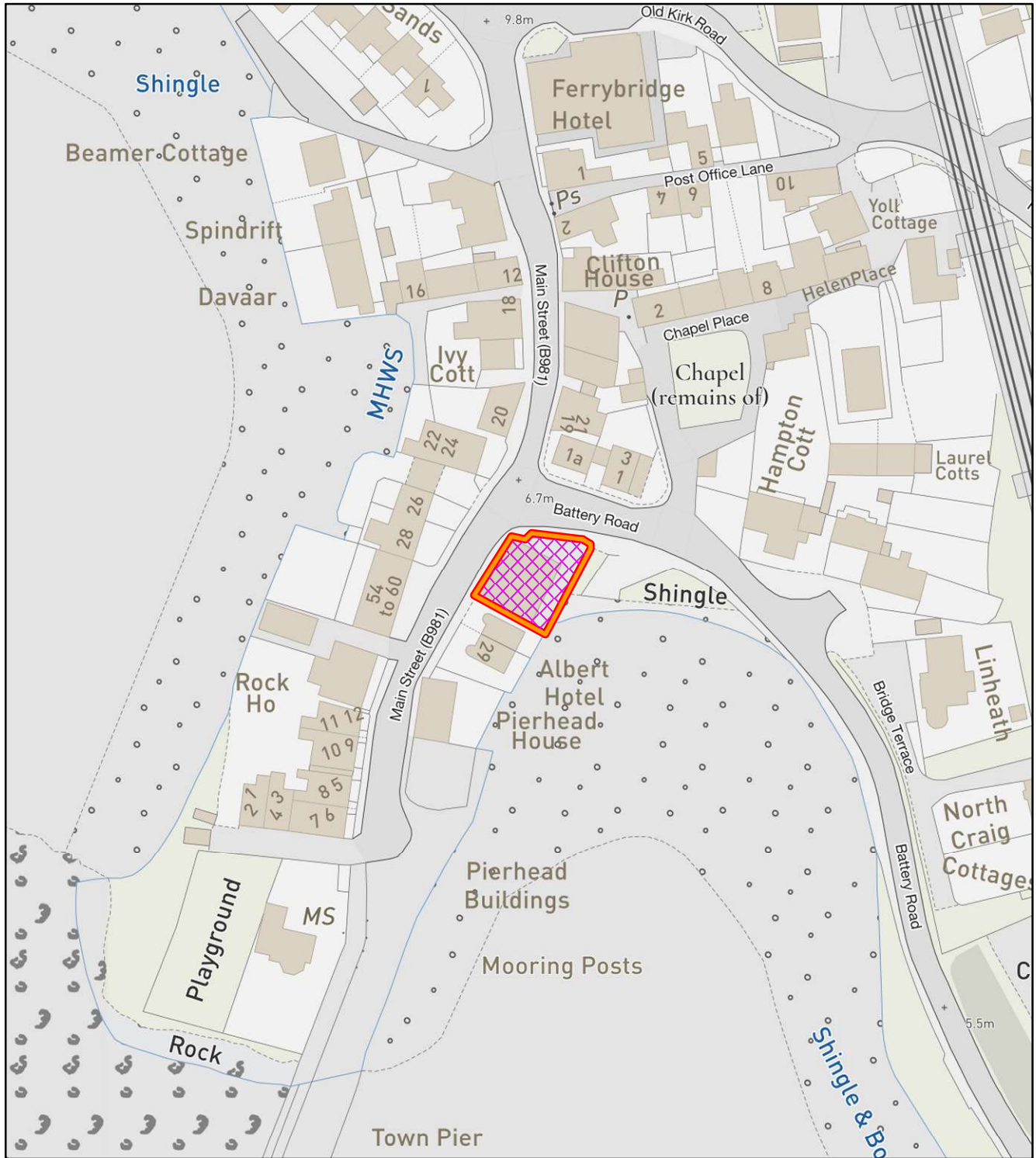
Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas

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

Date Printed 27/07/2022

# 21/03174/FULL

Albert Hotel 25 Main Street North Queensferry



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<b>Legend</b>		
	Application Boundary	

**ITEM NO: 8**

**APPLICATION FOR LISTED BUILDING CONSENT REF: 21/03176/LBC**

**SITE ADDRESS: ALBERT HOTEL 25 MAIN STREET NORTH QUEENSFERRY**

**PROPOSAL : INTERNAL AND EXTERNAL ALTERATIONS TO FORM 4NO. FLATTED DWELLINGS INCLUDING REMOVAL OF SIGNAGE AND INSTALLATION OF WINDOWS, DOORS AND 4 NO. GLAZED BALCONIES**

**APPLICANT: FESTIVAL INNS SAAS  
1A LYNEDOCH PLACE EDINBURGH SCOTLAND**

**WARD NO: W5R06  
Inverkeithing And Dalgety Bay**

**CASE OFFICER: David Shankland**

**DATE 17/11/2021**

**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

there is an associated application for planning permission and it is considered expedient for both applications to be considered by Committee.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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

Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.



## 1.0 BACKGROUND

### 1.1 Site Description

1.1.1 The application site relates to the existing vacant Albert Hotel which is an early 19th century two and half storey Category C listed building situated within the historic village of North Queensferry. The application site, which is also situated within a vibrant tourist destination, is defined in the Adopted FIFEplan (2017) as being situated in North Queensferry Conservation Area. The building itself, which appears from the documentation submitted with the application to have last been in use approximately 4 years ago, is of traditional style and construction with natural sandstone walls and slate roof. Whilst the building is largely structurally sound, it has been in decline for a number of years and it is understood to be partially dangerous. The building also occupies a prominent location at the corner of Main Street and Battery Road that overlooks the Firth of Forth and the Forth Rail Bridge World Heritage Site towards South Queensferry beyond. To the north and west, the application site is bound by public roads (Battery Road and Main Street respectfully), adjacent to which are residential properties; to the south, the site bounds onto residential flatted dwellings; and to the east the site bounds the Firth of Forth. The immediate surrounding area is predominately residential in nature with a limited amount of small-scale commercial uses. There is a limited number of off-street parking spaces associated with the building off Battery Road.

### 1.2 Application Proposal

1.2.1 The application seeks listed building consent internal and external alterations including the removal of the existing signage and installation of windows, doors and 4 no. glazed balconies. The internal alterations would allow for the formation of 4 flatted dwellings which would comprise of one 2 bedroomed flatted dwelling and three 3 bedroomed flatted dwellings. In addition to the scaled drawings, the agent has also submitted a Design and Access Statement; a Planning Appraisal Statement; a Structural Inspection Statement and a Building Fabric Statement for consideration.

1.1.1 The application site relates to the existing vacant Albert Hotel which is an early 19th century two and half storey Category C listed building situated within the historic village of North Queensferry. The application site, which is also situated within a vibrant tourist destination, is defined in the Adopted FIFEplan (2017) as being situated in North Queensferry Conservation Area. The building itself, which appears from the documentation submitted with the application to have last been in use approximately 4 years ago, is of traditional style and construction with natural sandstone walls and slate roof. Whilst the building is largely structurally sound, it has been in decline for a number of years and it is understood to be partially dangerous. The building also occupies a prominent location at the corner of Main Street and Battery Road that overlooks the Firth of Forth and the Forth Rail Bridge World Heritage Site towards South Queensferry beyond. To the north and west, the application site is bound by public roads (Battery Road and Main Street respectfully), adjacent to which are residential properties; to the south, the site bounds onto residential flatted dwellings; and to the east the site bounds the Firth of Forth. The immediate surrounding area is predominately residential in nature with a limited amount of small-scale commercial uses. There is a limited number of off-street parking spaces associated with the building off Battery Road.

1.2.3 Internally, the submitted floor plans, show that the proposed 4 flatted dwellings would comprise of one 2 bedroomed flatted dwelling and three 3 bedroomed flatted dwellings. Two of

the proposed flatted dwellings would be duplex, with accommodation on the ground floor and in the basement, and the upper floors (first and second floor) would accommodate one flatted dwelling on each. Communal access to the proposed flatted dwellings would continue to be taken from the existing entrance on the west elevation. An internal communal bin storage area is proposed at ground floor level. The internal works would involve the removal of an existing staircase at basement level and the removal of existing walls to be replaced in areas at all four levels to allow for the formation of the 4 flats. The existing cantilevered central staircase with the original cast-iron balustrade at ground level to the rear of the building would be retained which would provide access to the first and second floors. In addition to the proposed works, it is also noted from the content of the submitted Structural Inspection Statement and Building Standard Statement that whilst there is evidence of structural damage to the building which has been caused by water egress over the years, there is also evidence of internal works having already taken place. These include at ground floor level in the north room the removal of the bar and the formation of two steel frames each spanning the width of the room and, within the south room, a loadbearing wall in the centre of the room has been removed and replaced with a steel beam.

### 1.3 Planning History

1.3.1 The planning history to this premises include the following:

- Planning permission for alterations and extensions to hotel to form extended kitchen and dining area (Planning Reference 02/00850/WFULL) was approved, subject to conditions, in October 2002;
- An accompanying listed building application for alterations and extensions (Planning Reference 02/00857/WLBC) was also approved in October 2002;
- Planning permission for alterations and extension to hotel conservatory (Planning Reference 03/02948/WFULL) was approved, subject to conditions, in November 2003;
- An accompanying listed building application for alterations and extensions to hotel including removal of stone walls and installation of replacement windows (Planning Reference 03/02947/WLBC) was approved, subject to conditions, in December 2003;
- Planning permission for the erection of a single storey extension to hotel (Planning Reference 04/00629/WFULL) was approved, subject to conditions, in May 2004;
- An accompanying listed building application for alterations and extensions to hotel (Planning Reference 04/00623/WLBC) was also approved, subject to conditions, in October 2002;
- A planning application for two dormer extensions and two rooflights to front and two dormer extensions to rear of hotel (Planning Reference 11/03007/FULL) was then approved, subject to conditions, in November 2011;
- An accompanying listed building application for two dormer extensions and two rooflights to front and two dormer extensions to rear and internal alterations to hotel (Planning Reference 11/03010/LBC) was also approved, in November 2011;
- Planning permission for alterations and extension to hotel (Planning Reference 13/03650/FULL) was then approved, subject to conditions, in March 2014;

- An accompanying listed building consent for alterations and extension to hotel (Planning Reference 13/03658/LBC) was also approved, subject to conditions, in March 2014;
- Planning permission for change of use from Hotel (Class 7) to form 4no. flatted dwellings and external alterations including enlargement of dormers, windows and formation of 4 no. balconies (Planning Reference 20/03156/FULL) was withdrawn in June 2021;
- An accompanying planning application for internal and external alterations to form 4 flatted dwellings including enlargement of dormers and window openings and installation of 4 no. balconies (Planning Reference 20/03157/LBC) was also withdrawn in June 2021; and, lastly
- A related planning application has been submitted in tandem with the current listed building application which seeks planning permission for change of use from hotel (Class 7) to 4 flatted dwellings (Sui Generis) and external alterations including the installation of windows, doors and glazed balconies (Planning Reference 21/03174/FULL). This application is also included on the agenda.

## 2.0 Planning Assessment

2.1 Issues to be assessed against the Development Plan are as follows:

- Design/ Visual Impact on Listed Building

### 2.2 Design/ Visual Impact on Listed Building

2.2.1 Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 applies and states that, in considering whether to grant planning permission for development which affects a listed building or its setting, a Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Scotland Policy Statement (April 2019) and Managing Change in the Historic Environment - Setting (2016) and Interiors (2016), Policies 1, 10 and 14 of the Adopted Local Plan, Making Fife's Places Supplementary Guidance (2018) and North Queensferry Conservation Area Appraisal (2011) also apply in this instance.

2.2.2 Scottish Planning Policy 2014 (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development within a Conservation Area shall be appropriate to the character and setting of the Conservation Area and Listed Buildings. It also advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use. Planning permission should normally be refused for development within a Conservation Area that fails to preserve or enhance the character or appearance of the area. The Historic Environment Scotland Policy Statement (2016) advises that it is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials both internally and externally.

2.2.3 Policies 1 and 10 of the Adopted Local Plan advise that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area, whilst Policy 14 states that proposals will not be supported where it is considered they will harm or damage the character or special appearance of a Conservation Area, and its setting having

regard to Conservation Area Appraisals and associated management plans. Policy 14 of the Adopted Local Plan continues that development will not be supported where it also harms the character or appearance of listed buildings or their setting, including structures or features of special architectural or historic interest. Any proposals to alter listed buildings must also be sympathetic to the existing scale and character of the building.

2.2.4 Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018) advises that existing traditional windows should be retained and repaired wherever possible and that if windows are required to be replaced, they should match the originals wherever possible. The guidance also advises that plant-on or sandwich astragals are unacceptable if they are placed on a public elevation. Historic Environment for Scotland Managing Change in the Historic Environment - Windows (2018) advises that windows in listed buildings should only be replaced if they are beyond repair and should match the original windows by way of its design, form, fixing, method of opening and material.

2.2.5 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. It additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how developments proposals can be evaluated to ensure compliance with the six qualities of successful places. Lastly, the Supplementary Guidance recognises that the built environment has been adapted over time to meet changing needs, stating that protecting the historic environment is not about preventing change but ensuring that changes are appropriate to their location. Sustainable management of the historic environment should be based on a Conservation Area appraisal.

2.2.6 Fife Council's North Queensferry Conservation Area Appraisal and Management Plan (2011) provides a detailed conservation review of the village's Conservation Area boundaries. Further to this, it also aims to highlight the key significance of the area in terms of townscape, architecture and historic issues considered to be important to the character of the town as a whole. The document also identifies important conservation issues and provides a framework for the Conservation Area's future management. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within SPP and HES Historic Environment Policy for Scotland (May 2019).

2.2.7 As detailed above, a Design and Access Statement; a Planning Appraisal Statement; a Structural Inspection Statement and a Building Fabric Statement have been submitted which in addition to setting out the history of the building and a design brief for the proposed development they also provide an additional element of supporting information in relation to the structural integrity of the building.

2.2.8 Objections have been received from local residents, including the North Queensberry Community Trust and the Architectural Heritage Society of Scotland, citing concerns that the building has deteriorated both externally and internally due to neglect from the existing owner; the inclusion of the proposed glazed balconies and the additional loss of the existing painted signage would have a detrimental impact on the character and appearance of the existing Category C listed building and its surrounding historical environment; and, there is insufficient evidence submitted to reflect the loss of internal features carried out. These matters have been addressed below.

2.2.9 In addition to the above, and as part of the consultation process, North Queensferry Community Council have also objected to the application citing, in the main, similar concerns expressed in section 2.2.8.

2.2.10 Due to the nature of the proposal, Fife Council's Built Heritage Team was consulted on the application and from the outset the team has advised that a new use could be supported that would help retain the long-term future of the building which in itself has been in decline for a number of years since it has lain empty. In respect to the proposed new windows and doors, as detailed in section 1.2.2, these are of traditional design and construction and would therefore be visually in keeping with the existing building and would preserve the historic character and appearance of this Category C listed building. Equally, it is also considered that the proposed masonry elements of the development, subject to the inclusion of an appropriate condition that ensures they matched the existing natural sandstone, would also be a respectful and sensitive alteration to the fabric of the existing building.

2.2.11 In respect to the contemporary designed glazed balconies that are proposed on the east (rear) elevation, as detailed in section 1.2.2, given the prominent location of the building these would be easily visible from numerous public vantage points. It is acknowledged that although the agent has referred within the submitted Design and Access Statement to two other buildings within the village that have balconies on the principle elevations, neither are historic or listed buildings. Any compromise on the rear elevation would therefore have to be based on a sympathetic conversion and repair of the hotel. Notwithstanding this, given the principle of the proposed change of use of the existing hotel to flatted dwellings under the accompanying planning application (Planning Reference 21/03174/FULL) is not looked upon favourably, in the absence of an acceptable alternative use for the building which would secure its long-term future it is considered that the inclusion of the modern contemporary designed balconies to the rear of the building are not justified. In the interests of safeguarding the character and appearance of the existing Category C listed building it is therefore considered that the proposed balconies in terms of their modern design and choice of materials would have a detrimental impact upon the historic character and appearance of this Category C listed building and its setting. The proposed balconies are therefore considered to be contrary to Scottish Planning Policy (2014), Historic Environment Scotland Policy Statement (2019), Managing Change in the Historic Environment - Setting (2016) and Policies 1,10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

2.2.12 In regard to the existing painted signage, these are located on the west, north and south elevations of the existing Category C listed building. On the west elevation which fronts Main Street, the raised painted signage reads "ALBERT HOTEL" which is situated between the first floor windows; on the south elevation the signage reads "HOTEL" to the chimneystack, and on the east elevation, which fronts Battery Road, the signage reads "7 DAY" at first floor level and between first floor and second floor this reads "ALBERT HOTEL". The significance of the signage in the context of understanding the buildings historical origins as a hotel is specifically referenced in the 'statement of special interest' within Historic Environment Scotland's Statutory listing of the building which states "originally known as Mitchell's Inn after its owner Robert Mitchell, this building was erected on the site of Hope Tavern which traded in the mid-18th century. This coaching house changed its name to Albert Hotel in honour of Queen Victoria and Prince Albert's arrival at the Town Pier, North Queensferry in 1842". Overall, and in the absence of an acceptable change of use planning application for the building that would secure its long term future, and in the context of its existing lawful use as a hotel, it is therefore considered that the removal of the existing signage would have a detrimental impact on the historical integrity of the listed building in the context of understanding the building's origins as a hotel which, as

mentioned, is referenced in Historic Environment Scotland the statutory listing of 'something of special interest'. The proposed removal of the existing painted signage is therefore considered to be contrary to Scottish Planning Policy (2014), Historic Environment Scotland Policy Statement (2019), Managing Change in the Historic Environment - Setting (2016) and Policies 1,10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

2.2.13 In respect to the interior of the building, and as highlighted above, there are areas within the building that have been significantly altered over the years. The submitted Building Fabric Statement suggests that the building has serious problems with dampness and the extent of further removals should therefore be fully justified on that basis. In direct response, and although it is considered the proposed internal alterations may be deemed acceptable in principle if an alternative use for the building was acceptable to the Planning Authority to secure the long term future of the building, insufficient information and evidence have nevertheless been submitted within the drawings and the supporting documentation, as detailed in section 1.2.2, that illustrates the proposed works would not significantly alter any features of special architectural or historic interest. In the absence of such information a full assessment of the internal alterations cannot therefore be undertaken.

2.2.14 In light of the above, and in the absence of an acceptable alternative use for the building which would secure its long-term future, it is considered that the inclusion of the proposed modern glazed balconies and the removal of the existing painted signage are not justified. As such, the proposed balconies by virtue of their modern design and choice of materials and the removal of the existing painted signage would have a detrimental impact upon the character, appearance and historic integrity of this Category C listed building and its historical surroundings which would be contrary to Scottish Planning Policy (2014), Historic Environment Scotland Policy Statement (2019), Managing Change in the Historic Environment - Setting (2016), Policies 1,10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018). In respect to the internal alterations, it is also considered that there is insufficient information by way of the lack of detailed drawings and supporting information that illustrates the proposed internal works would not significantly alter any features of special architectural or historic interests of this Category C Listed Building. As such, the application is therefore also considered to be contrary to Scottish Planning Policy (2014), Historic Environment Scotland Policy Statement (2019), Managing Change in the Historic Environment - Interiors (2016) and Policies 1 and 14 of the Adopted FIFEplan (2017).

## CONSULTATIONS

Community Council	Has objected to the proposed development on the grounds of the principle of the development and visual amenity.
Built Heritage, Planning Services	Has provided advice on the proposed development.

## REPRESENTATIONS

A total of 21 letters of objection have been received in relation to this listed building application. The material considerations relating to these concerns have been addressed under Section 2.2 (Design/ Visual impact on setting of Listed Building) of this report of handling.

Matters relating to the principle of the development, residential amenity, garden ground and road safety are not material considerations in the assessment of the listed building application. These have however been assessed within the associated planning application under consideration (Planning Reference 21/03174/FULL).

## **CONCLUSIONS**

In the absence of an acceptable alternative use for the building which would secure its long-term future, it is considered that the inclusion of the proposed modern glazed balconies and the removal of the existing painted signage are not justified. As such, the proposed balconies by virtue of their modern design and choice of materials and the removal of the existing painted signage would have a detrimental impact upon the character, appearance and historic integrity of this Category "C" Listed Building and its historical surroundings which would be contrary to Scottish Planning Policy (2014), Historic Environment Scotland Policy Statement (2019), Managing Change in the Historic Environment - Setting (2016), Policies 1,10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018). In respect to the internal alterations, it is also considered that there is insufficient information by way of the lack of detailed drawings and supporting information that illustrates the proposed internal works would not significantly alter any remaining features of architectural or historic interest within the listed building. As such, the application is therefore also considered to be contrary to Scottish Planning Policy (2014), Historic Environment Scotland Policy Statement (2019), Managing Change in the Historic Environment - Interiors (2016) and Policies 1 and 14 of the Adopted FIFEplan (2017).

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. In the interests of preserving the character and historical integrity of the Category "C" Listed Building from unjustified development at this prominent location; the proposed balconies by virtue of their modern design and choice of materials and the removal of the existing painted signage would have a detrimental impact upon the character, appearance and historic integrity of the listed building and its historical surroundings. The proposed development is therefore contrary to Scottish Planning Policy (2014), Historic Environment Scotland Policy Statement (2019), Managing Change in the Historic Environment - Setting (2016), Policies 1,10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).
2. In the interests of preserving the character of the Category "C" Listed Building; it is considered that there is insufficient information and evidence by way of the lack of detailed drawings and supporting information that illustrates the proposed internal works would not significantly alter any features of the remaining architectural or historic interests within the listed building. As such, the application is therefore contrary to Scottish Planning Policy (2014), Historic

Environment Scotland Policy Statement (2019), Managing Change in the Historic Environment - Interiors (2016) and Policies 1 and 14 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.

### 3. National Guidance:

SPP - Scottish Planning Policy (2014)

Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Historic Environment Scotland Policy Statement (May 2019)

Historic Environment Scotland's Managing Change in the Historic Environment - Setting (2016)

Historic Environment Scotland's Managing Change in the Historic Environment - Interiors (2016)

Historic Environment Scotland Managing Change in the Historic Environment - Windows (2018)

### Development Plan:

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

### Other Guidance:

Fife Council's North Queensferry Conservation Area Appraisal and Management Plan (2011)

Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018)

Report prepared by David Shankland, Case Officer and Chartered Planner

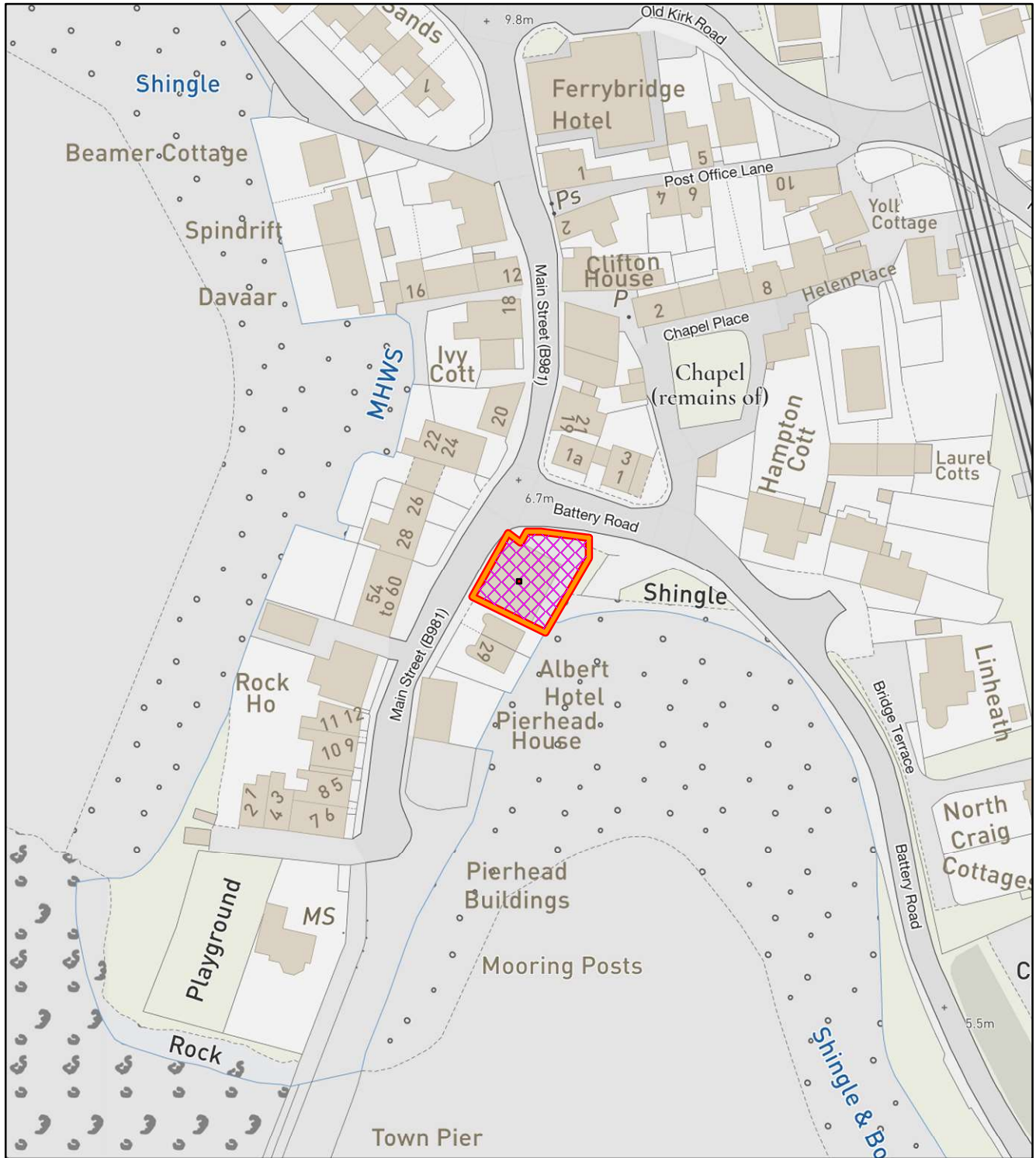
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 27/07/2022



# 21/03176/LBC

Albert Hotel 25 Main Street North Queensferry



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

**ITEM NO: 9**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00590/FULL**

**SITE ADDRESS: LAND TO THE WEST OF CROSSFORD CAIRNEYHILL ROAD  
CROSSFORD**

**PROPOSAL: SURFACE WATER DRAINAGE OUTFALL PIPE TO SERVE THE  
SUDS ASSOCIATED WITH APPLICATION 21/01879/ARC**

**APPLICANT: STEWART MILNE GROUP LTD.  
APEX 3 95 HAYMARKET TERRACE EDINBURGH**

**WARD NO: W5R03  
Dunfermline Central**

**CASE OFFICER: Jack Wilson**

**DATE REGISTERED: 08/03/2022**

**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 Officers recommendation. A response was received from a statutory consultee (Crossford Community Council) which is also contrary to the Case Officers recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Unconditional Approval

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

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

## 1.0 Background

### 1.1 Site Description

1.1.1 This application site relates to part of an agricultural field, west of Crossford and east of Cairneyhill with Cairneyhill Road (A994) to the south. The site area is a thin strip of land comprising of just under 7,000 square metres stretching from Hilton Road to the west, meandering eastwards to the boundary of an approved housing site (planning reference 21/01879/ARC). The site is not located within a settlement boundary as defined in the Adopted FIFEplan Local Development Plan (2017) and as such is designated as development within the countryside. Hilton Road contains a core path (R681) and gives access to a further core path (R682) heading southeast to the Torry Burn. Immediately west of Hilton Road, an area of woodland is located (W0027) which is protected by tree preservation orders (TPOs).

### 1.2 Proposal

1.2.1 Full planning permission is being sought for the installation of a surface water drainage outfall pipe required to serve the SUDs associated with planning permission 21/01879/ARC (Condition 2 of 17/03471/PPP).

1.3 Condition 2 of planning reference 17/03471/PPP requires that no works can commence on site until an enforceable mechanism is put in place to secure the provision of a surface water outfall to the Torry Burn together with a connection between the outfall and the proposed residential development site suitable to cater for the surface water run-off from the site. A drainage strategy was submitted with planning reference: 21/01879/ARC that included the drainage outfall pipe, that this application deals with, the proposed outfall pipe is outwith the site area for the permitted housing development therefore, the outfall pipe would constitute development requiring permission in its own right. The proposed outfall pipe could be installed by Scottish Water under permitted development rights as per Class 38 (Water Undertakings) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). However, if the proposed outfall pipe would require planning permission should the developer install the pipe themselves therefore, this application has been submitted.

### 1.4 Planning History

The relevant planning history for the site and surrounding area includes:

- Planning Permission in Principle (PPP) (17/03471/PPP) for residential development, access roads, SUDs, landscaping, and other associated infrastructure was refused by Fife Council on 27th September 2018. This application was refused as the site was outwith any settlement boundary and the proposal did not address any identified housing land shortfall as Fife Council considered that there was a housing land surplus within this housing market area. The site was also refused in the interest of preventing flood risk as the application failed to include an acceptable level of drainage infrastructure within the confines of the application site. This decision was appealed (PPA-250-2315) to the Directorate for Planning and Environmental Appeals (DPEA) and was allowed subject to 15 conditions on 18th December 2019.

- Approval of Matters Reserved by Conditions (ARC) (Conditions 1-4, 8, 11) (21/01879/ARC) of planning permission in principle reference: 17/03471/PPP for residential development of 212

dwellings with associated landscaping, open space, access, drainage and other infrastructure was approved at the Central and West Fife Committee subject to 16 conditions on 19th January 2022.

## 2.0 PLANNING ASSESSMENT

The issues to be assessed against the development plan and other material considerations are as follows:

- Principle of Development
- Flooding and Drainage.

### 2.1 Principle of Development

2.1.1 Policy 1 (Development Principles) of FIFEplan (2017) applies in this regard. Part A of Policy 1 outlines 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 through the development plan. Part B of Policy 1 states that proposals should avoid flooding and impacts on the water environment and Part C of Policy 1 states that proposals should provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site or flood assessment. Policy 7 (Development in the Countryside) supports development proposals where there is a proven need for a countryside location.

2.1.2 The proposal will not change the use of the land and relates to operational development for the installation of an outflow pipe which forms part of the wider drainage scheme for the approved housing development neighbouring the site. The site is located in the countryside and outwith the settlement boundary. However, the proposal relates to predominantly underground infrastructure required as part of a wider development and it is not possible to re-route the infrastructure within a settlement boundary. Accordingly, the principle of the outflow pipe on the site is compatible with Policies 1 and 7.

### 2.2 Flooding and Drainage

2.2.1 Policies 3 (Infrastructure and Services) and 12 (Flooding and the Water Environment) of FIFEplan (2017) apply in this regard. Policy 3 outlines that proposals should provide infrastructure to serve the needs of the development in relation to both foul water drainage and surface water drainage. Policy 12 sets a requirement for proposals to demonstrate that development is not at risk from flooding and will not result in an increase of flood risk elsewhere.

2.2.2 Cairneyhill Community Council were consulted as part of this application and submitted an objection to the proposal on the basis that the proposed outfall pipe does not directly connect to the Torry Burn. An additional 6 letters of objection were submitted on the same basis.

2.2.3 A drainage strategy was approved as part of planning permission: 21/01879/ARC. However, the outfall pipe is outwith the site boundary and therefore a separate application for planning permission is required if the works are to be undertaken by the developer. The submitted drainage strategy advises that existing Scottish Water infrastructure is present within the residential development to the east at Douglas Drive and Links Drive. While the foul drainage network is sufficient to cater to the approved residential development to the west,

separate surface water infrastructure will be required to be implemented. The SUDs scheme that the proposed outfall pipe will serve has already been approved in a previous permission. The drainage strategy outlines that surface water will be discharged to the Torry Burn (approximately 756m west of the development site) via a detention basin in the southwest of the development site, then through the proposed outfall pipe, running parallel to an existing field drain where water will then be deposited into an existing watercourse, where it will continue to travel southwest for approximately 180m to the Torry Burn. Fife Council's Flooding, Shorelines and Harbours Team requested additional information confirming ownership of/permission to construct on the land which had been supplied and then had no further comments to make on the scheme so and as such the proposal complies with Policies 3 and 12 of FIFEplan.

## CONSULTATIONS

<p>Structural Services - Flooding, Shoreline And Harbours Community Council</p>	<p>Upon submission of requested information, no further comments</p> <p>Object on the basis that the pipe does not directly connect to the Torry Burn and flooding concerns at the existing watercourse.</p>
<p>Scottish Water</p>	<p>No objection</p>

## REPRESENTATIONS

- 6 letters of objection were received, the considerations relating to these include:
- Insufficient on and off street parking (not relevant to this application, not addressed in report)
  - Unsuitable secondary access (not relevant to this application, not addressed in report)
  - Surface water not directly draining into the Torry Burn (addressed in section 2.2.3)
  - Land Ownership issue (addressed below)
  - Second outfall pipe at headwall (addressed in section 2.2.3)

The location of the headwall is within the land ownership boundary of a third party who was not notified upon the submission of this application. This was queried with the applicant who resolved the issue with the land owner, gaining permission for the works to be carried out on this land. An updated land ownership certificate that includes this land owner was then submitted to satisfy the planning service.

## CONCLUSIONS

The application relates to operation development to deliver part of a drainage scheme for the neighbouring development site. The wider SUDs scheme in which it relates to has been approved by planning reference; 21/01879/FULL. Although the site is beyond a settlement boundary, the proposal has demonstrated to be compliant with the relevant FIFEplan policies and as such is acceptable in principle. The proposal is of the same design as the approved SUDs scheme (under permission 21/01879/ARC) and as such is compliant in terms of flooding and drainage.

## RECOMMENDATION

It is accordingly recommended that the application be approved unconditionally

<b>STATUTORY POLICIES, GUIDANCE &amp; BACKGROUND PAPERS</b>
-------------------------------------------------------------

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

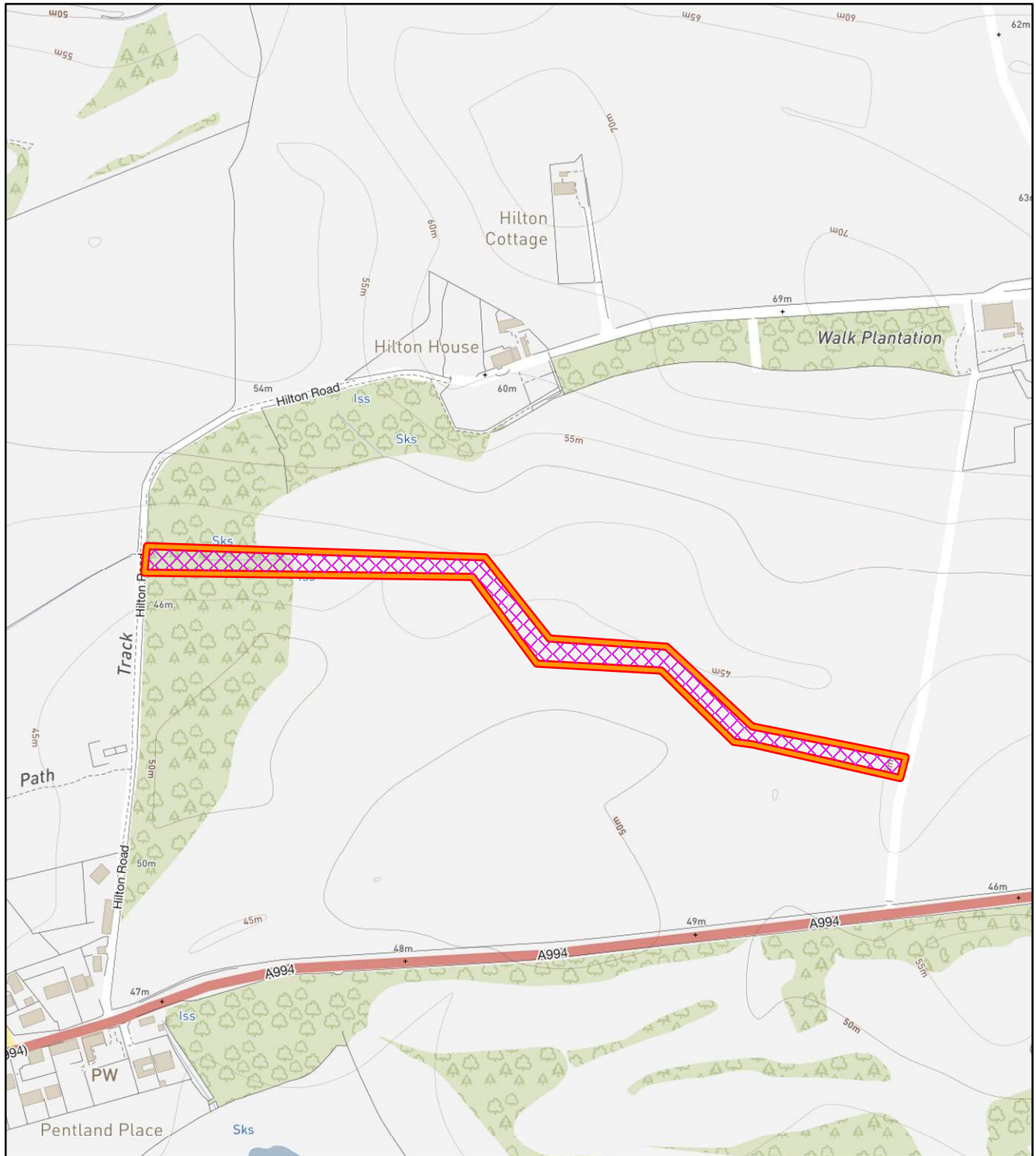
Local Development Plan/Guidance  
Adopted FIFEplan (2017)

Report prepared by Jack Wilson Graduate Planner and Case Officer  
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 12/08/2022

# 22/00590/FULL

## Land To The West Of Crossford Cairneyhill Road Crossford

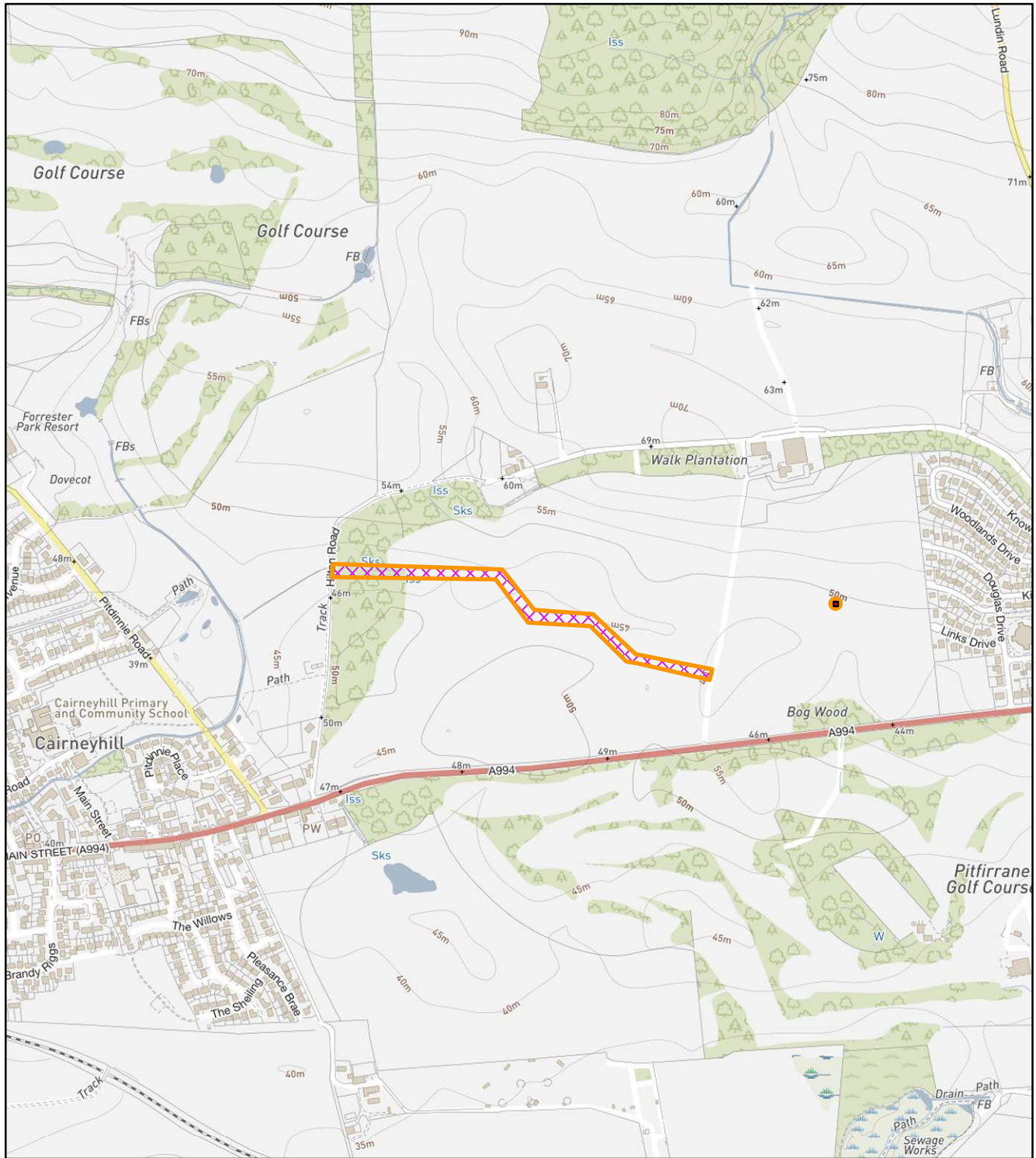


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<b>Legend</b>	
 Application Boundary	
	
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## Land To The West Of Crossford Cairneyhill Road Crossford



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



**ITEM NO: 10**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01418/FULL**

**SITE ADDRESS: LAND AT KINGSLAW RANDOLPH ROAD KIRKCALDY**

**PROPOSAL : APPROVAL OF MATTERS REQUIRED BY CONDITIONS 1 (E) AND 2 (A - F) AND (H - I) OF 19/01088/PPP FOR A NEIGHBOURHOOD CENTRE DEVELOPMENT (INCLUDING CLASS 1, 2, 3 AND HOT FOOD USES) AND ASSOCIATED ACCESS, PARKING AND LANDSCAPING (SECTION 42 APPLICATION TO AMEND CONDITION 1 OF 21/01265/ARC)**

**APPLICANT: CRUCIBLE DEVELOPMENTS (SCOTLAND) LTD  
2ND FLOOR MILLER STREET AYR**

**WARD NO: W5R12  
Kirkcaldy East**

**CASE OFFICER: Jamie Penman**

**DATE REGISTERED: 10/05/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application has attracted more than 5 representations (objections) 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.

## 1.1 Background

1.1.1 This application relates to a site which is part of a large scale mixed use development site, lying to the north of Randolph Road, Kirkcaldy, between the Boreland and Gallatown roundabouts. The application site is a phase of commercial development towards the southern boundary of the wider site. The application site itself is currently vacant however the wider development has begun with pockets of residential development with access roads and other associated infrastructure being delivered. The site is surrounded by the remainder of the wider development area and in time, the application site would be bordered by further residential development to north, east and west. The site is allocated in the Adopted FIFEplan (2017) as KDY025 (Kirkcaldy East Strategic Land Area). Whilst development of the site has not yet begun, planning permission has been granted (21/01265/ARC) for the development of the commercial centre which consists of 10 units with uses within Classes 1, 2, 3 and Sui Generis (hot food takeaway).

## 1.2 Site History

1.2.1 Relevant planning history associated with this site includes:

- The original Planning Permission in Principle (PPP) approved a mixed-use development, including housing, a neighbourhood centre, commercial/ retail use, a care home, a new primary school, open space, a network of roads and footpaths and the provision of a second vehicular access into the site. This was granted permission in 2014 (10/01774/EIA).
- Application 19/01088/PPP was made under Section 42 of the Planning Act to amend condition 49 of the original planning permission. This has been approved subject to conclusion of an updated Planning Obligation. This was approved and is now the principal planning permission for the site.
- An application was made under Section 75 (19/00118/OBL) to amend the terms of the agreed Planning Obligation. This proposed an amendment to the level of secondary school contribution and updated some of the terms within the Planning Obligation to reflect current legislation. This was approved.
- A matters specified by condition application (21/01265/ARC) was approved and agreed the details of the commercial centre.

## 1.3 Proposal

1.1.2 An application to vary a planning condition is made under section 42 of the Town and Country Planning (Scotland) Act 1997. Condition 1 of planning permission 21/01265/ARC states:

The operating hours of the drive-thru associated with Unit 10 hereby approved shall be restricted to daytime hours which are 07:00 - 23:00 inclusive.

This section 42 application requests Condition 1 is amended to allow Unit 10 to operate between the hours of 06:00 and 23:00 inclusive.

## 2.1 Policy Assessment

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

- Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended
- Residential Amenity Impact
- Other issues

## 2.1 - Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended

2.1.1 Section 42 of the Act provides applications for planning permission to develop land to be progressed without complying with conditions which were imposed on a planning permission. Section 42 states that on such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and that the planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 42 of the Act.

2.1.2 Section 42 applications do not revisit or re-establish the principle of development on the site but only consider the appropriateness of the conditions attached to the previous related consent. When assessing whether any condition attached to the application is relevant, there will be a requirement to consider certain aspects of the approved development. Section 42 applications require the developer to specify which condition(s) they are looking to amend or remove, the developer must support the application with sufficient information to identify and justify conditions for amendment or removal. With reference to this application, the agent has requested that Condition 1 be amended to allow Unit 10 to operate between the hours of 06:00 and 23:00 inclusive.

2.1.3 FIFEplan Policies 1 and 10 relate to this application. Policy 1 states that development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts. 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. Policy 10 continues by noting that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to noise and traffic movements. Fife Council's Policy for Development and Noise Guidance (2021) also applies and states that the presumption when considering noise and planning is that new industrial/commercial or residential development should not create situations which bring non-conforming noise sensitive uses into potential conflict as it may lead to detrimental impacts on existing businesses and future investment or lead to prolonged ongoing issues which impact on the health and wellbeing of new or existing residents exposed to unacceptable levels of noise. PAN 1/2011 also applies and provides guidance on how the planning system helps to prevent and limit the adverse effects of noise.

## 2.2 Residential Amenity Impact

2.2.1 Representations have been received, objecting to the proposal, citing noise impacts that may arise on existing levels of residential amenity between the hours of 06:00 and 07:00, from the operation of the drive-thru and the associated traffic movements.

2.2.2 As the wider commercial development which this Section 42 application relates to has already been approved, the principle of development and any impacts associated with it, cannot

be reconsidered. The sole determining factor for this application is whether it is acceptable for Unit 10 to operate between the hours of 06:00 and 07:00. In this regard, a noise impact assessment (NIA) has been submitted by the applicant. The purpose of the assessment was to determine the noise impact of the proposed drive thru at the nearest residential noise sensitive receptors (NSRs) between the hours of 06:00 and 07:00. The NIA details that the nearest noise sensitive receptors (NSRs) are recently constructed two storey houses, located approximately 15m from the proposed drive-through boundary on Rosslyn Avenue and that these houses represent the properties most exposed to noise from the proposal. Through the use of vehicle trip data, the applicant has estimated that approximately 11 cars would visit the drive-thru within the 1 hour period between 06:00 - 07:00. The NIA notes that source noise levels for both idling and moving cars have been used and that the noise model considers all vehicles as this is considered a worst-case as it assumes relatively noisy diesel cars. The result of the NIA showed that an exceedance of -4dB, below background noise levels was modelled and this indicates that the development is unlikely to have an adverse impact on the nearby residential properties. As such, the NIA concludes that no mitigation is required, and none is therefore proposed.

2.2.3 Fife Council's Environmental Health Team have been consulted on this application. The consultation response notes that the assessment has demonstrated that there is no adverse impact from the drive-thru operating between 06.00hrs and 07.00hrs at the nearest noise sensitive receptors.

2.2.4 In light of the submitted evidence, the NIA demonstrates that there would be no significant residential amenity impacts on the nearest noise sensitive property between the hours of 06:00 and 07:00. It would therefore be acceptable to amend the wording of condition 1 to allow Unit 10 and the associated drive-thru to operate during this time. The proposal complies with FIFEplan (2017) Policies and other related guidance.

### 2.3 Other issues

2.3.1 Representations have been received, objecting to the proposal, citing noise impacts that may arise in terms of increased traffic movements, increased anti-social behaviour and increased littering. FIFEplan (2017) Policy 10 apply with regard to these issues.

2.3.2 Given this proposal is to extend the opening hours of the development by 1 hour between 06:00 and 07:00 the number of people visiting the development is likely to be low (estimated to be 11 vehicles) and as such, no significant concerns would be raised with regard to the above issues. The proposal would comply with FIFEplan (2017) Policy 10 in this regard.

## CONSULTATIONS

Environmental Health (Public Protection)

No adverse impact.

## REPRESENTATIONS

8 objections have been received; concerns raised which are material in the assessment of the application include:

- Increased traffic/road safety concerns on surrounding road network - Assessed in Section 2.3
- Noise impacts on existing levels of residential amenity - Assessed in Section 2.2

- Increased anti-social behaviour - Assessed in Section 2.3
- Increased litter - Assessed in Section 2.3

Concerns raised which are not material to the assessment of the application includes:

- School and park should be built first
- Not what home owners were promised
- No desire for this type of development
- Development would create pest control issues
- High risk of cars being damaged
- Over-provision of this type of development in Kirkcaldy

Many of the representations object to the creation of a drive-through restaurant and impacts associated with it, however, it should be noted that the drive-thru restaurant has already been consented through planning application 21/01265/ARC and this current planning application has been made to alter one of the conditions attached to the consent. The principle of the drive-thru and the associated commercial development cannot be reconsidered through this application which has been made in accordance with Section 42 of the Town and Country Planning (Scotland) Act 1997.

## **CONCLUSIONS**

This proposal to extend the opening hours of the drive-thru associated with Unit 10 by 1 hour between 06:00 and 07:00 is shown to be acceptable through the findings of the submitted noise impact assessment. Whilst the concerns raised in objection comments have been noted, the assessment shows that the operation of the drive-thru would have no significant adverse impact on neighbouring residential properties. Fife Council's Environmental Health Team has reviewed the submitted noise impact assessment and has raised no concerns with the proposal. The proposal therefore complies with FIFEplan (2017) Policies and other related guidance in this instance.

## **RECOMMENDATION**

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

1. The operating hours of the drive-thru associated with Unit 10 hereby approved shall be restricted to 06:00 - 23:00 inclusive.

Reason: In the interest of residential amenity; due to limited information being submitted with the application, it has not been fully demonstrated that the drive-thru could operate during night-time hours without having a significant impact on residential amenity of neighbouring residential properties.

2. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; full details of any proposed lighting scheme shall be submitted for approval in writing by Fife Council as Planning Authority. The submitted scheme shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting and shall demonstrate that this will have no detrimental impact on any neighbouring public roads or sensitive properties with regards to light spillage and glare. Thereafter, the lighting shall be installed and maintained in a

manner which prevents spillage of light or glare into any neighbouring public roads or sensitive properties in accordance with the manufacturer's specification and approved details.

Reason: In the interest of residential amenity; to ensure light pollution impacts are limited.

3. 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.

4. BEFORE ANY WORKS START ON SITE; a scheme of landscaping including a landscaping plan indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, and a maintenance plan, shall be submitted to and approved in writing by this Planning Authority. These submitted details should also include details of all proposed boundary treatments. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner.

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

5. Before they are installed on site, full details of all renewable energy technology shall be submitted to Fife Council as Planning Authority for prior written approval. The approved details shall then be carried out on site in full before the development comes into use.

Reason: In the interest of visual amenity and compliance with FIFEplan (2017) Policy 11.

6. Before they are installed on site, full details of street furniture shall be submitted to Fife Council as Planning Authority for prior written approval. The approved details shall then be carried out on site in full before the development comes into use.

Reason: In the interest of visual amenity; to ensure the approved details are appropriate for the area.

7. Before they are installed on site, full details of all plant machinery and food odour extraction systems required for each unit, shall be submitted to Fife Council as Planning Authority for prior written approval. The approved details shall be installed on site, prior to each unit coming into use.

Reason: In the interest of residential amenity; to ensure noise and odour impacts can be controlled.

8. The total noise from the approved plant and machinery, shall be such that any associated noise does not exceed NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation. For the avoidance of doubt, daytime shall be 0700-2300hrs and night time shall be 2300-0700hrs.

Reason: In the interest of residential amenity; to ensure no significant impact on neighbouring residential properties from plant machinery.

9. Prior to being installed on site, full details of the proposed totem shall be submitted to Fife Council as Planning Authority for prior written approval.

Reason: In the interest of visual amenity; to ensure no significant visual impacts arise from the proposed totem.

10. BEFORE ANY WORKS START ON SITE; details of the specification and colour, including samples, of the proposed external finishes shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with these approved details.

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

## **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.

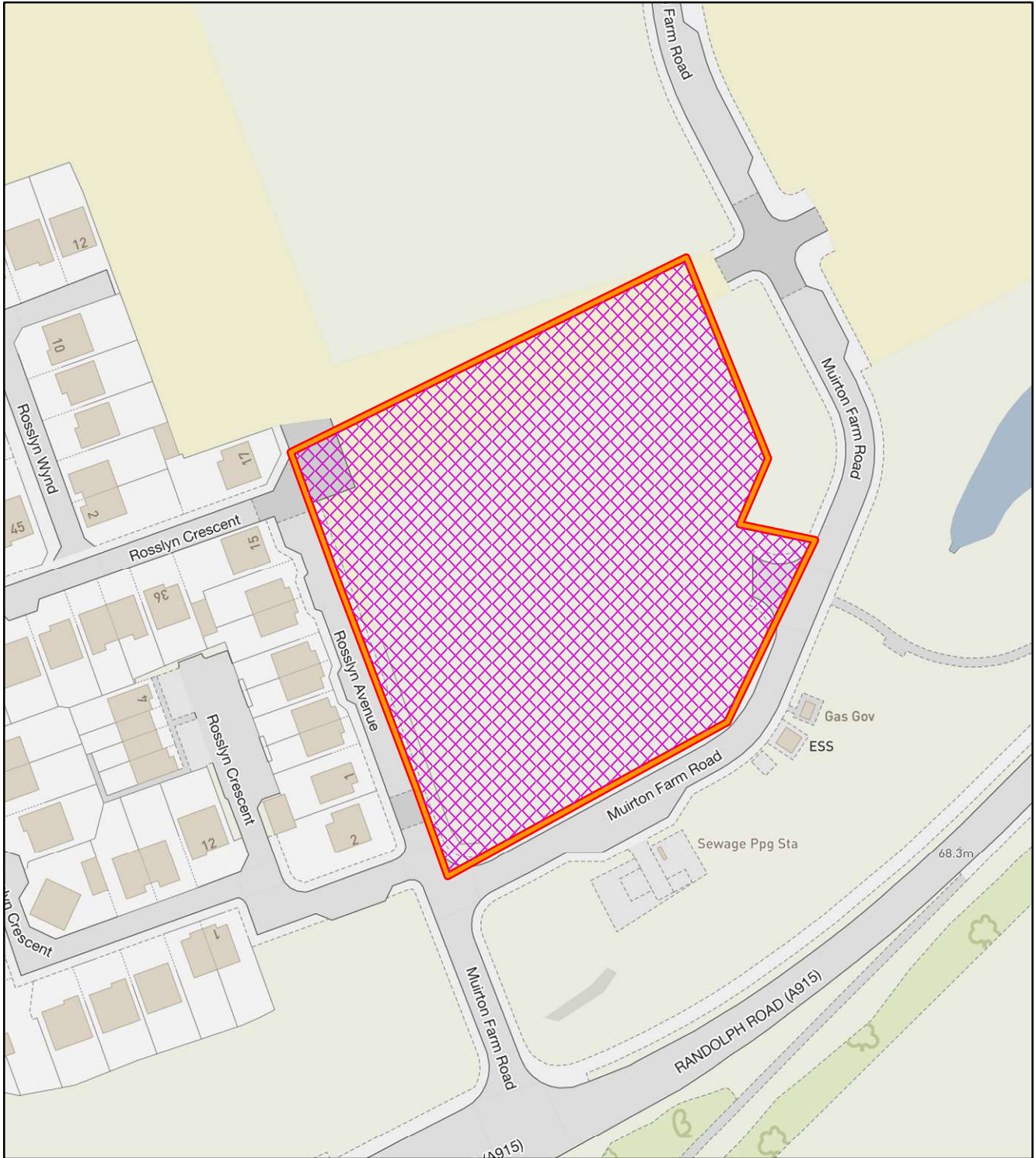
FIFEplan Local Development Plan (2018)  
Making Fife's Places Supplementary Guidance (2018)  
Fife Council's Policy of Development and Noise (2021)  
Planning and Noise Circular 1/2011

Report prepared by Jamie Penman, Planner  
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 06/07/2022

# 22/01418/FULL

## Land At Kingslaw Randolph Road Kirkcaldy



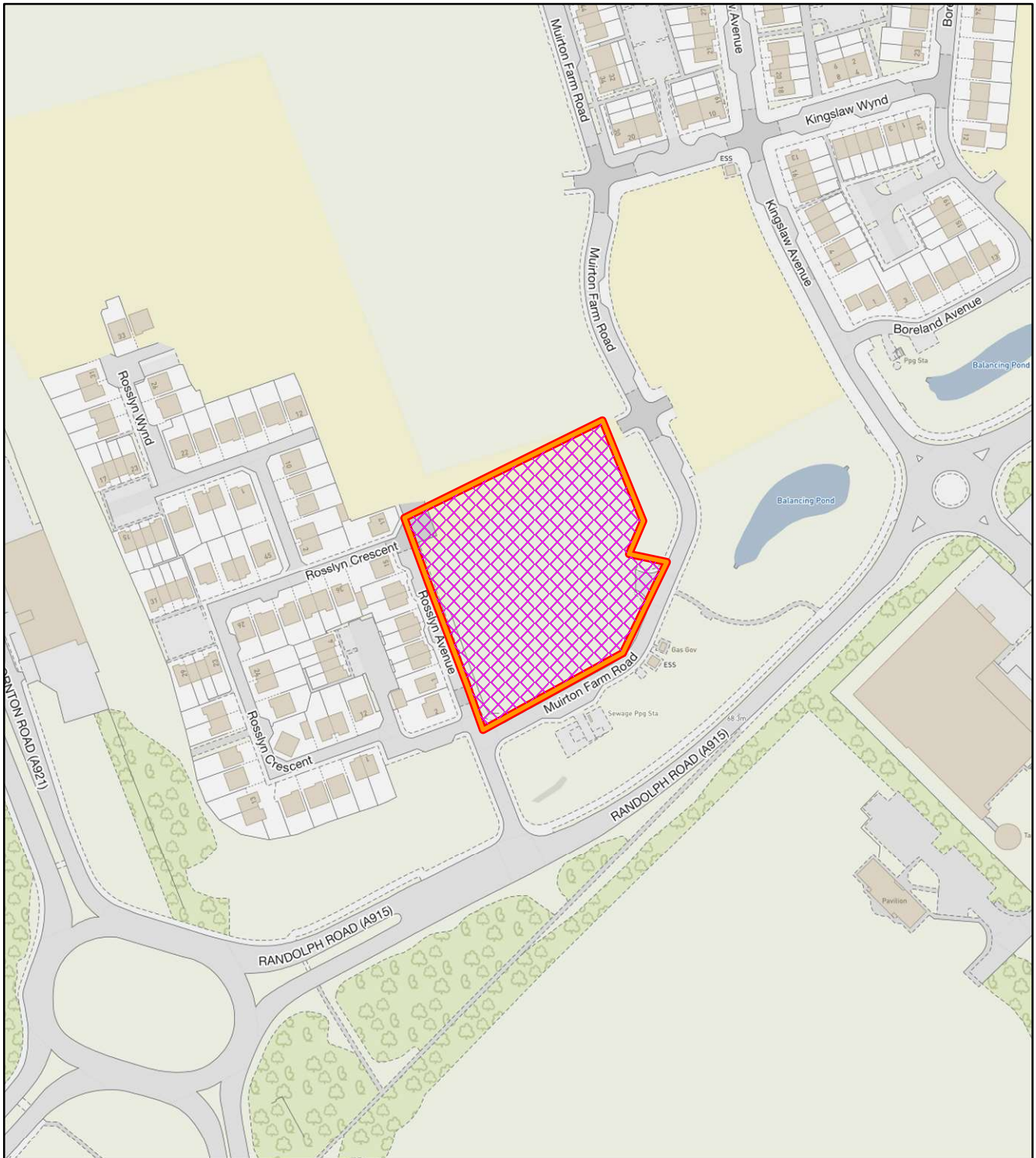
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# 22/01418/FULL

## Land At Kingslaw Randolph Road Kirkcaldy



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

**ITEM NO: 11**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01218/FULL**

**SITE ADDRESS: 25 MYRTLE WYND DUNFERMLINE FIFE**

**PROPOSAL : TWO-STOREY EXTENSION TO REAR OF DWELLINGHOUSE**

**APPLICANT: MR NEIL LAIDLAW  
25 MYRTLE WYND DUNFERMLINE FIFE**

**WARD NO: W5R02  
Dunfermline North**

**CASE OFFICER: Lauren McNeil**

**DATE 21/04/2022  
REGISTERED:**

**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:

Unconditional Approval

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

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

1.0 Background

1.1 This application relates to a two-storey detached dwellinghouse situated within the Dunfermline settlement boundary. The property, which includes an integral garage is externally finished with stone, roughcast render, concrete roof tiles and uPVC windows. The development site is situated within an established residential area and set amongst properties of varying architectural form and scale.

1.2 This application seeks full planning permission for the erection of a two-storey extension to the rear of the dwellinghouse.

1.3 The proposed extension would occupy a footprint of approximately 18m<sup>2</sup> and would be externally finished to match the original dwellinghouse. The proposal would also involve the installation of a first-floor window to the side of the original dwellinghouse, however this would constitute permitted development under Class 2B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended and as such would not form part of this assessment.

1.4 The relevant planning history for the proposed site can be summarised as follows:

- 21/03736/FULL- Two storey extension to rear of dwellinghouse- Withdrawn

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 application.

- Google imagery (including Google Street View and Google satellite imagery),
- GIS mapping software,
- Photographs submitted by objectors, and
- Current photographs of the site provided by the applicant.

Therefore, given the scale and nature of the proposal the evidence and 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 follow:

- a) Design and Visual Impact
- b) Residential Amenity
- c) Road Safety
- d) Contaminated Land

## 2.2 Design and Visual Impact

2.2.1 Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council's Planning Customer Guidelines on Home Extensions (including garages and conservatories) apply in this instance. Policy 10 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.

2.2.2 Representations received raised concerns regarding the scale, design and overbearing/visual impact of the proposed extension. The proposed extension would be discreetly positioned to the rear, on a secondary elevation and would not be visible from the public road. The proposed extension would be suitably scaled and would be subsidiary to the main dwellinghouse. The proposed extension would consist of a high-quality design and would be externally finished to match the existing dwellinghouse. The proposed extension would be set back approximately 4m from the mutual boundary with 27 Myrtle Wynd, would not significantly protrude beyond the rear wall forming part of the neighbouring conservatory and would not extend beyond the midpoint of the rear amenity space, therefore the proposal would not have a significant overbearing impact on the neighbouring property and its amenity space at 27 Myrtle Wynd. The proposed extension would be set back approximately 1.4m from the mutual boundary with 23 Myrtle Wynd, however given the position of the neighbouring property, the proposed extension would be set back approximately 3.3m from the rear wall of the neighbouring property and would not significantly extend beyond the centre point of the neighbouring rear amenity space. Therefore, on balance the proposal would not have a significant overbearing impact on the neighbouring property or its amenity space at 23 Myrtle Wynd.

2.2.3 In light of the above, the proposed extension by virtue of its scale, massing, design and finishing materials would be acceptable and would not have a significant adverse impact on the visual amenity of the surrounding residential environment. As such, the proposal would be in compliance with the Development Plan and relevant guidance.

## 2.3 Residential Amenity

2.3.1 Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017), BRE's Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011) and Fife Council's Planning Customer Guidelines on Daylight and Sunlight and Garden Ground apply in this instance. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the loss of privacy, sunlight, and daylight.

2.3.2 Representations received raised concerns regarding the loss of daylight and sunlight to the neighbouring properties and amenity spaces as a result of the proposal. From review of the plans submitted, the proposal would not result in a significant loss of daylight to the neighbouring property at 23 Myrtle Wynd. The proposal would result in a loss of some daylight to the neighbouring conservatory at 27 Myrtle Wynd, however given the neighbouring conservatory is fully glazed with a full translucent roof, acceptable levels of daylight would therefore still be enjoyed within the neighbouring conservatory. As such the proposal would not result in a significant loss of daylight to the neighbouring property at 27 Myrtle Wynd. Moreover, the proposal would not result in a significant loss of sunlight to the neighbouring amenity spaces. Those amenity spaces would still enjoy at least two hours of direct sunlight in accordance with the recommendations set out in the relevant BRE guidance.

2.3.3 Representations received raised concerns regarding the loss of privacy to the neighbouring properties and amenity spaces as a result of the proposal. The proposed extension would introduce new openings at ground and first floor level to the rear and side of the dwellinghouse, however the views achievable from the rear openings are already available from the original dwellinghouse. The proposed ground floor opening on the western elevation of the proposed extension would be situated approximately 6m from the neighbouring property's rear conservatory which would not meet Fife Council's guidance on Minimum Distances Between Window Openings, however the views achievable of the neighbouring conservatory would

already be available from the existing living room bay window. Moreover, the existing boundary fence within the rear curtilage would provide adequate screening therefore the proposal would not introduce any significant additional overlooking/privacy concerns.

2.3.4 The proposed extension would occupy approximately 18% of the original rear private garden ground (100m<sup>2</sup>) which would comply with the 25% threshold set out in Fife Council's Garden Ground Guidance.

2.3.5 In light of the above, the proposal would be acceptable in terms of loss of daylight/sunlight, loss of garden ground and would not introduce any significant additional overlooking/privacy concerns. As such, the proposal would be in compliance with the Development Plan and relevant guidance.

## 2.4 Road Safety

2.4.1 Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018): Appendix G- Fife Council Transportation Development Guidelines apply in this instance. 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 The proposal would result in the creation of two additional bedrooms taking the overall number of bedrooms within the dwellinghouse to five. The proposal would however retain the existing integral garage and there is provision within the front curtilage for two off-street parking spaces therefore the proposal would meet Fife Council's Parking Standards for a five-bedroom dwellinghouse.

2.4.3 In light of the above, the proposal would be acceptable in terms of road safety and would be in compliance with the Development Plan and its associated guidance in this regard.

## 2.5 Contaminated Land

2.5.1 Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017) apply in this respect. Policy 10 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.

2.5.2 Fife Council's Land and Air Quality Team were consulted on the proposal and advised they have no comments on the proposal.

2.5.3 In light of the above, the proposal would be acceptable in terms of its impact on contaminated land and would be in compliance with the Development Plan and relevant guidance in this regard.

## CONSULTATIONS

Scottish Water	No objections
Land And Air Quality, Protective Services	No comments

## **REPRESENTATIONS**

Six letters of objection were received raising concern regarding the scale, design and overbearing/visual impact of the proposed extension and the loss of daylight, sunlight and privacy resulting from the proposal. These issues have been addressed within sections 2.2 and 2.3 of this report of handling.

## **CONCLUSIONS**

The proposal would be acceptable in terms of design, residential amenity, road safety, contaminated land and would not have a significant adverse impact on the visual amenity of the surrounding area. As such, the proposal would be in compliance with the Development Plan and relevant guidance.

## **RECOMMENDATION**

It is accordingly recommended that the application be approved unconditionally

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

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

Development Plan  
The Adopted FIFEplan Local Development Plan (2017)

Other Guidance  
Making Fife's Places Supplementary Guidance (2018): Appendix G- Fife Council Transportation Development Guidelines  
BRE's Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011)  
Fife Council's Planning Customer Guidelines Daylight and Sunlight  
Fife Council's Planning Customer Guidelines Garden Ground  
Fife Council's Planning Customer Guidelines Home Extensions

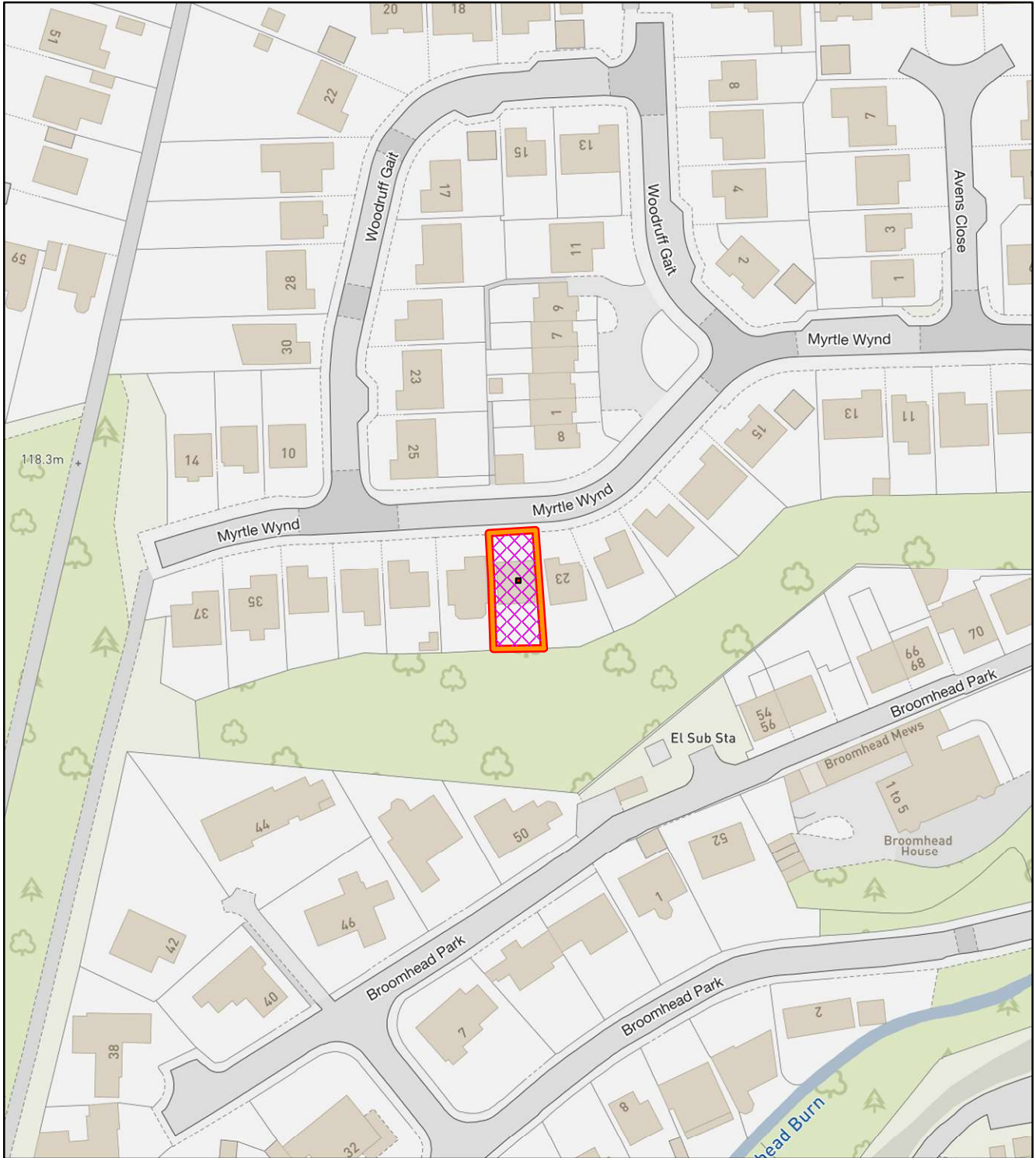
Report prepared by Lauren McNeil, Graduate Planner.  
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 26/07/2022



# 22/01218/FULL

25 Myrtle Wynd Dunfermline



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<b>Legend</b>			
	Application Boundary		

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**ITEM NO: 12**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01018/FULL**

**SITE ADDRESS: 17-19 EXCISE STREET KINCARDINE**

**PROPOSAL: ALTERATIONS TO AND CHANGE OF USE FROM FORMER PUBLIC CONVENIENCE (SUI GENERIS) TO FORM DWELLINGHOUSE (CLASS 9) AND ASSOCIATED DEVELOPMENT**

**APPLICANT: MR SEBASTIAN PIETRZAK  
17-19 EXCISE STREET KINCARDINE**

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

**CASE OFFICER: Brian Forsyth**

**DATE REGISTERED: 31/03/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

There is an associated application for listed building consent and it is considered expedient for both applications to be considered by Committee.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 64(1) of the Planning (Listed Buildings and



Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

## 1.0 BACKGROUND

1.1 The application site relates to a two-storey 18th Century Category C listed building within Kincardine's conservation area, fronting Excise Street at its junction with Station Road, and including a pedestrian access on the east side leading to a small landscaped area to the rear. There is a modest contemporary single-storey extension to the rear of the building. The surrounding area is a mix of residential and commercial uses. The building was originally two dwellinghouses, but the ground floor is known to have been a shop in 1963, and the building was latterly in use as a public convenience. The building has been vacant and boarded up since around 2007, when it was placed on the Buildings at Risk Register.

1.2 Full planning permission is sought for alterations to and change of use to form a four-bedroom house and formation of a parking area to the rear, accessed off a private access abutting the site on its west side. There is an associated application for listed building consent, ref. 22/01017/LBC.

1.3 Full planning permission (13/03909/FULL) and listed building consent (13/03912/LBC) were granted in February 2014 for conversion of the subjects to form two flats.

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. Online satellite/aerial and street imagery provides good coverage of the site.

## 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 and Built Heritage
- Residential Amenity
- Road Safety/Transportation

### 2.2 Principle of Development

2.2.1 The subjects are within the defined settlement boundary for Kincardine in terms of the adopted FIFEplan Fife Local Development Plan (2017). Policy 1: Development Principles of FIFEplan states that the principle of development will be supported within a defined settlement boundary where it is compliant with the policies for the location.

2.2.2 There are no policies within FIFEplan presuming against such a development in this location. As such, and subject to compliance with the below policies, the proposal is considered to accord with the above provisions of policy in relation to the principle of development.

### 2.3 Design/Visual Impact and Built Heritage

2.3.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impact of development proposals must be addressed by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity, and safeguarding the characteristics of the historic environment and complying with Policy 14: Built & Historic Environment. Policy 10 states that development will only be approved where it does not have a significant detrimental impact on amenity, including in terms of the visual impact of development on the surrounding area. Policy 14 states that proposals will not be supported where it is considered they will harm or damage listed buildings, including features of special architectural or historic interest; or the character or special appearance of conservation area, having regard to Conservation Area Appraisals and associated management plans.

2.3.2 Scottish Planning Policy (2014) states that changes to a listed building should be managed to protect its special interest while enabling it to remain in active use; where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard is to be had to preserving and enhancing the building, its setting and any features of special architectural or historic interest; the layout design, materials, scale, siting and use of any development which will affect a listed building or its setting is to be appropriate to the character and appearance of the building and setting. Proposals for development within conservation areas which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area; proposals that do not harm the character or appearance of the conservation area are to be treated as preserving its character or appearance.

2.3.3 Historic Environment Scotland's Historic Environment Policy for Scotland (2019), its accompanying Managing Change in the Historic Environment series, and Fife Council's Kincardine Outstanding Conservation Area Appraisal and Conservation Area Management Plan (2009) and Windows in Listed Buildings and Conservation Areas guidelines (2018) are also relevant here.

2.3.4 The proposals shown in the drawings originally submitted with this application comprise: installation of a vertically-lined composite door to the left-hand door opening on the front elevation; brown UPVC sash and case windows to the boarded up window openings on the front elevation; installation of a brown UPVC sash and case window to the right-hand door opening, infilled below to match the surrounding roughcast; infilling of one of the boarded up window openings to match the surrounding roughcast; replacement of the existing cast iron rainwater goods with metal rainwater goods; openings slapped through the walls of the contemporary extension to the rear; sliding patio doors to the rear; and two modern rooflights to the rear.

2.3.5 Commenting in relation to the proposals shown in the originally submitted drawings, Planning Services' Built Heritage Officer states (22/01017/LBC):

" ... PVC windows would not be appropriate on a listed building or a traditional building in the conservation area. Traditional timber windows would be recommended as per the original consent although not necessarily sliding sash and case depending on any evidence that may be available. Rear rooflights would be supported that meet the guidance-placed between not across rafters, flush with the roof and with lead flashing to meet Lead Sheeting standards. Metal rooflights can also be supported.

... The proposed conversion of this at-risk historic building would be supported in principle, but further information is required. It is also recommended that the issues raised are examined,

clarified and where necessary the details supplemented or revised to meet the relevant guidance, thus minimising the impacts on the built heritage. External materials that are appropriate to the construction of the building and that are breathable avoiding moisture entrapment are recommended which will also enhance the character of the conservation area as a whole."

2.3.6 Objecting in relation to the proposals shown in the originally submitted drawings, the Architectural Heritage Society of Scotland (AHSS) states:

"The panel objects to the installation of new UPVC windows to replace existing. Despite the panel welcoming the reuse of property, due to its listing and situation within a conservation area, suitable materials must be utilised. The existing windows and doors should be maintained with the existing fenestration pattern.

The panel wishes to object to the enlargement of the door opening to the rear of the property, in order to install patio doors. The proposed is excessive and would result in a significant loss of historic fabric, negatively impacting the character of the C-listed building.

Finally, the panel wishes to object to the alteration from a door to a window on the north elevation. Intrinsic to the façade's character is that the property can be read as two dwellings. The proposed seeks to damage the character of the layout, reading as one asymmetrical property, in doing so losing the means to read the original historic fabric. The existing arrangement should be maintained in order to retain character.

Overall, it is our opinion that the proposed application contravenes the non-statutory guidance, and detracts the character of the conservation area and listed building."

2.3.7 Taking the views of Planning Service's Built Heritage Officer and the AHSS into account, the agent was invited to submit amended drawings showing white timber sliding sash and case windows rather than brown UPVC sash and case windows, conservation grade rooflights, a timber rather than composite door, no blocking up of the existing window, vertically-lined timber infill below the new window in the existing door opening (the better to indicate that this has been a door opening), and multi-paned timber French doors to the rear in lieu of the proposed patio doors. Amended drawings have been received, but only the requests in relation to timber infill and blocking up of the existing window have been taken fully on board. The amended drawings continue to show brown UPVC windows, although an accompanying statement shows white woodgrain UPVC windows. French doors are now proposed but they are not multi-paned and no material is specified.

2.3.8 Taking the views of the Built Heritage Officer and AHSS into account, it is considered that the proposed brown or white woodgrain UPVC windows, composite door and stained modern timber rooflights would not see the building preserved, being inappropriate and harmful to the character and appearance of this building of architectural and historic interest, the surrounding conservation area and the visual amenity of the locality; all contrary to the above provisions of policy and guidance in relation design/visual impact and built heritage. The need for the French doors to be multi-paned timber could be dealt with by a condition of any planning permission.

## 2.4 Residential Amenity

2.4.1 Policy 1 of FIFEplan states that the individual and cumulative impact of development proposals must be addressed by, amongst other things, protecting the amenity of the local

community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported where it does not have a significant detrimental impact on the amenity of existing or proposed land uses. It must be demonstrated that development proposals will not lead to a significant detrimental impact on amenity in relation to, amongst other things, privacy. The Council's non-statutory Garden Ground customer guidelines (2016) are also relevant here.

2.4.2 No new windows are to be introduced, only replacement windows to the front of the building and new high-level rooflights to the rear; as such, it is considered that the proposal would not have any significant adverse impact on residential amenity in terms of privacy and overlooking; in terms of garden ground, while the targets in the above customer guidelines would not be met, it is considered that an exception can be made in this instance in support of the conversion and safeguarding of this listed building. As such, the proposals are considered acceptable in terms of the above provisions of policy and guidance in relation to residential amenity. However, residential amenity is not the determining issue in this case.

## 2.5 Road Safety/Transportation

2.5.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impact of development proposals must be taken into account by complying with relevant criteria and supporting policies, including mitigating against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure and complying with Policy 3: Infrastructure and Services. 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; 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, including local transport and safe access routes. Appendix G Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.5.2 Planning Services' Transportation Development Management team (TDM) objects to the proposal on the grounds of sub-standard parking and off-road manoeuvring arrangements. Notwithstanding TDM's views, it is considered that an exception could be made in this instance in support of the conversion and safeguarding of this listed building. As such, the proposals are considered acceptable in terms of the above provisions of policy and guidance in relation to road safety/transportation. However, road safety/transportation is not the determining issue in this case.

## CONSULTATIONS

Built Heritage, Planning Services	Objects as set out in the main body of the report above.
Transportation, Planning Services	Objects in relation to parking and off-road manoeuvring arrangements, as set out above in the main body of the report.
Transportation And Environmental Services - Operations Team	No response but none required.
Scottish Water	No objection.

## REPRESENTATIONS

One objection has been received from the Architectural Heritage Society of Scotland (AHSS) raising the following concerns:

- Use of unsympathetic external finishes and materials
- Loss of historic fabric of the building
- Loss of historic character of the building
- Detrimental impact on the character of the conservation area and listed building

Officer response: These concerns are addressed in Section 2.3 of this report.

## CONCLUSIONS

The development does not accord with the provisions of policy and guidance relating to the principle of development and design/visual impact and built heritage. The development is considered acceptable in terms of the provisions of policy and guidance in relation to residential amenity and road safety/transportation, however these are not determining issues in this case. Overall, the development is considered contrary to the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

## RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of protecting the special interest of this Category C listed building, preserving the character and appearance of the building and the surrounding Kincardine Outstanding Conservation Area, and safeguarding the visual amenity of the locality generally; by virtue of variously their design, materials, colour and finish, the proposed brown or white woodgrain UPVC windows, composite door and stained modern style timber rooflights would not see the building preserved, being inappropriate and harmful to the character and appearance of this building of architectural and historic interest and the surrounding conservation area; all contrary to Policies 1: Development Principles and 14: Built & Historic Environment of the adopted FIFEplan Fife Local Development Plan (2017), Scottish Planning Policy (2014), Historic Environment Scotland's Historic Environment Policy for Scotland (2019) and accompanying Managing Change in the Historic Environment series, and Fife Council's Windows in Listed Buildings and Conservation Areas guidelines (2018).

## STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

Development Plan

Adopted FIFEplan Fife Local Development Plan (2017)  
Making Fife's Place's Supplementary Guidance (2018)

National

Scottish Planning Policy (2014)  
Historic Environment Policy for Scotland (2019) and accompanying Managing Change in the  
Historic Environment series

Other

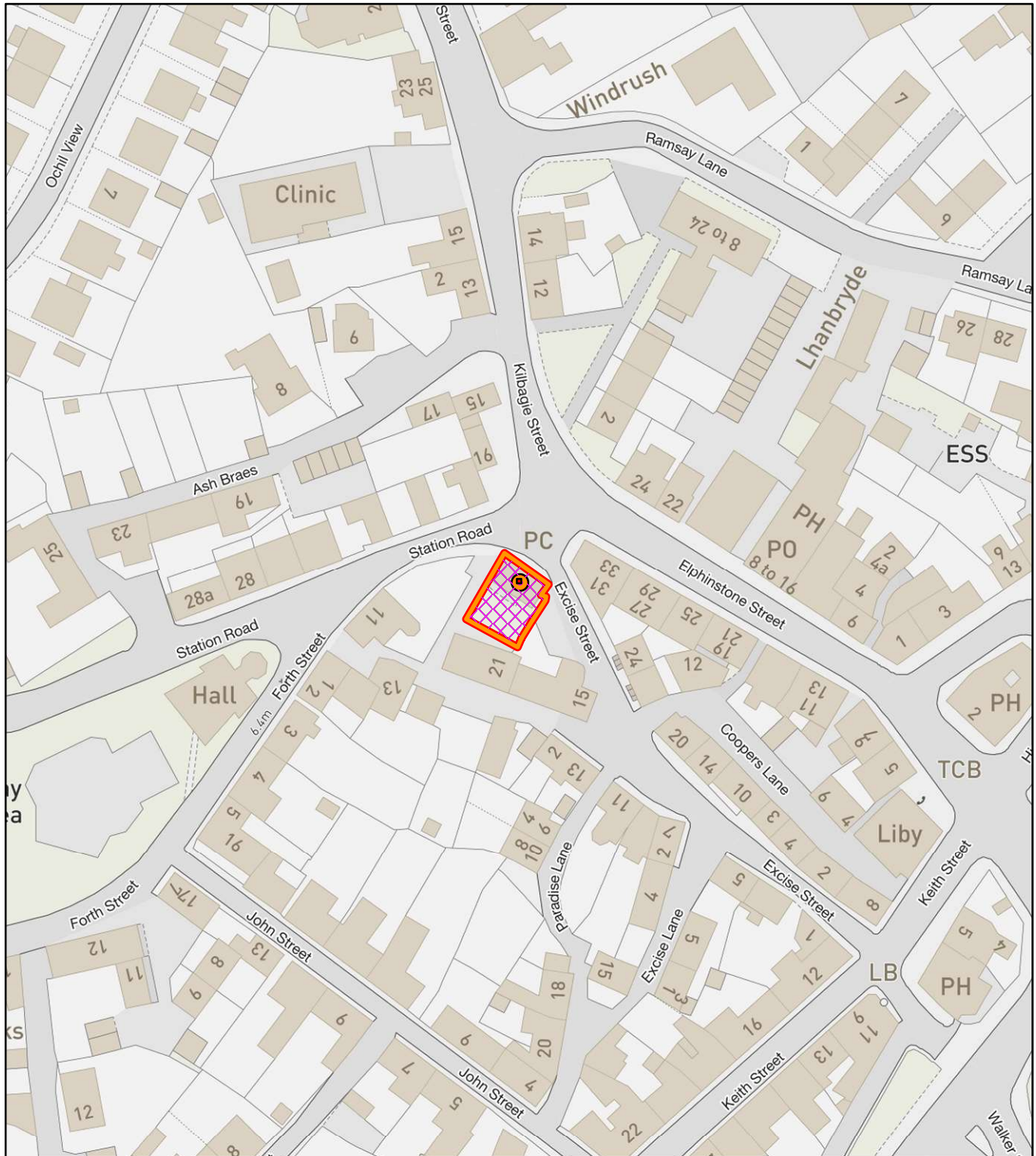
Kincardine Outstanding Conservation Area Appraisal and Conservation Area Management Plan  
(2009)  
Fife Council Windows in Listed Buildings and Conservation Areas guidelines (2018)

Report prepared by Brian Forsyth, Planner  
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 12/07/2022

# 22/01018/FULL

17-19 Excise Street Excise Street Kincardine



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

**ITEM NO: 13**

**APPLICATION FOR LISTED BUILDING CONSENT REF: 22/01017/LBC**

**SITE ADDRESS: 17-19 EXCISE STREET EXCISE STREET KINCARDINE**

**PROPOSAL: CONVERSION OF FORMER PUBLIC CONVENIENCE TO FORM DWELLINGHOUSE**

**APPLICANT: MR SEBASTIAN PIETRZAK  
17-19 EXCISE STREET KINCARDINE SCOTLAND**

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

**CASE OFFICER: Brian Forsyth**

**DATE 31/03/2022**

**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

There is an associated application for planning permission and it is considered expedient for both applications to be considered by Committee.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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

Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.



## 1.0 BACKGROUND

1.1 The application site relates to an 18th Century Category C listed building in Kincardine. There is a modest contemporary single-storey extension to the rear. The building was originally two dwellinghouses, but the ground floor is known to have been a shop in 1963, and the building has latterly been in use as a public convenience. The building has been vacant and boarded up since around 2007, when it was placed on the Buildings at Risk Register.

1.2 Listed building consent is sought for conversion to form a four-bedroom house. There is an associated application for planning permission, ref. 22/01018/FULL.

1.3 Detailed planning permission (13/03909/FULL) and listed building consent (13/03912/LBC) were granted in February 2014 for conversion of the subjects to form two flats.

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. Online satellite/aerial and street imagery provides good coverage of the site.

## 2.0 ASSESSMENT

2.1 The issue to be assessed against the development plan and other guidance is whether the proposal would see the special interest of this listed building protected.

### 2.2 Special Interest of Listed Building

2.2.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impact of development proposals must be addressed by complying with relevant criteria and supporting policies, including safeguarding the characteristics of the historic environment and complying with Policy 14: Built & Historic Environment. Policy 14 states that proposals will not be supported where it is considered they will harm or damage listed buildings, including features of special architectural or historic interest.

2.3.2 Scottish Planning Policy (2014) states that changes to a listed building should be managed to protect its special interest while enabling it to remain in active use; where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard is to be had to preserving and enhancing the building, its setting and any features of special architectural or historic interest; the layout design, materials, scale, siting and use of any development which will affect a listed building or its setting is to be appropriate to the character and appearance of the building and setting.

2.3.3 Historic Environment Scotland's Historic Environment Policy for Scotland (2019), its accompanying Managing Change in the Historic Environment series, and Fife Council's Windows in Listed Buildings and Conservation Areas guidelines (2018) are also relevant here.

2.3.4 The proposals shown in the drawings originally submitted with this application comprise: installation of a vertically-lined composite door to the left-hand door opening on the front elevation; brown UPVC sash and case windows to the boarded up window openings on the front elevation; installation of a brown UPVC sash and case window to the right-hand door opening, infilled below to match the surrounding roughcast; infilling of one of the boarded up window

openings to match the surrounding roughcast; replacement of the existing cast iron rainwater goods with metal rainwater goods; openings slapped through the walls of the contemporary extension to the rear; sliding patio doors to the rear; and two modern rooflights to the rear.

2.3.5 Commenting in relation to the proposals shown in the originally submitted drawings, Planning Services' Built Heritage Officer states:

" ... PVC windows would not be appropriate on a listed building or a traditional building in the conservation area. Traditional timber windows would be recommended as per the original consent although not necessarily sliding sash and case depending on any evidence that may be available. Rear rooflights would be supported that meet the guidance-placed between not across rafters, flush with the roof and with lead flashing to meet Lead Sheeting standards. Metal rooflights can also be supported.

... The proposed conversion of this at-risk historic building would be supported in principle, but further information is required. It is also recommended that the issues raised are examined, clarified and where necessary the details supplemented or revised to meet the relevant guidance, thus minimising the impacts on the built heritage. External materials that are appropriate to the construction of the building and that are breathable avoiding moisture entrapment are recommended which will also enhance the character of the conservation area as a whole."

2.3.6 Objecting in relation to the proposals shown in the originally submitted drawings, the Architectural Heritage Society of Scotland (AHSS) states:

"The panel objects to the installation of new UPVC windows to replace existing. Despite the panel welcoming the reuse of property, due to its listing and situation within a conservation area, suitable materials must be utilised. The existing windows and doors should be maintained with the existing fenestration pattern.

The panel wishes to object to the enlargement of the door opening to the rear of the property, in order to install patio doors. The proposed is excessive and would result in a significant loss of historic fabric, negatively impacting the character of the C-listed building.

Finally, the panel wishes to object to the alteration from a door to a window on the north elevation. Intrinsic to the façade's character is that the property can be read as two dwellings. The proposed seeks to damage the character of the layout, reading as one asymmetrical property, in doing so losing the means to read the original historic fabric. The existing arrangement should be maintained in order to retain character.

Overall, it is our opinion that the proposed application contravenes the non-statutory guidance, and detracts the character of the conservation area and listed building."

2.3.7 Taking the views of Planning Services' Built Heritage Officer and the AHSS into account, the agent was invited to submit amended drawings showing white timber sliding sash and case windows rather than brown UPVC sash and case windows, conservation grade rooflights, a timber rather than composite door, no blocking up of the existing window, vertically-lined timber infill below the new window in the existing door opening (the better to indicate that this has been a door opening), and multi-paned timber French doors to the rear in lieu of the proposed patio doors. Amended drawings have been received, but only the requests in relation to timber infill and blocking up of the existing window having been taken fully on board. The amended

drawings continue to show brown UPVC windows, although an accompanying statement shows white woodgrain UPVC windows. French doors are now proposed but they are not multi-paned and no material is specified.

2.3.8 Taking the views of the Built Heritage Officer and AHSS into account, it is considered that the proposed brown or white woodgrain UPVC windows, composite door and stained modern timber rooflights would not see the building preserved, being inappropriate and harmful to the character and appearance of this building of architectural and historic interest, all contrary to the above provisions of policy and guidance. The need for the French doors to be multi-paned timber can be dealt with by a condition of any listed building consent.

## CONSULTATIONS

Built Heritage, Planning Services

Objects as set out above in the main body of the report.

## REPRESENTATIONS

One objection has been received from the Architectural Heritage Society of Scotland (AHSS) raising the following concerns:

Use of unsympathetic external finishes and materials

Loss of historic fabric of the building

Loss of historic character of the building

Detrimental impact on the character of the conservation area and listed building

Officer response: These concerns are addressed in Section 2.3 of this report.

## CONCLUSIONS

By virtue of their design, materials, colour and finish, the proposed woodgrain UPVC windows, composite door and stained modern timber rooflights would not see the building preserved, being inappropriate and harmful to the character and appearance of this building of architectural and historic interest, all contrary to the provisions of policy and guidance and legislative objectives relating to the protection of listed buildings of special architectural or historic interest.

## RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of protecting the special interest of this Category C listed building and preserving the character and appearance of the building; by virtue of variously their design, materials, colour and finish, the proposed brown or white woodgrain UPVC windows, composite door and stained modern style timber rooflights would not see the building preserved, being inappropriate and harmful to the character and appearance of this building of architectural and historic interest; all contrary to Policies 1: Development Principles and 14: Built & Historic Environment of the adopted FIFEplan Fife Local Development Plan (2017), Scottish Planning Policy (2014), Historic Environment Scotland's Historic Environment Policy for Scotland (2019) and accompanying Managing Change in the Historic Environment series, and Fife Council's Windows in Listed Buildings and Conservation Areas guidelines (2018).

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

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

Development Plan

Adopted FIFEplan Fife Local Development Plan (2017)

National

Scottish Planning Policy (2014)

Historic Environment Policy for Scotland (2019) and accompanying Managing Change in the Historic Environment series

Other

Fife Council Windows in Listed Buildings and Conservation Areas guidelines (2018)

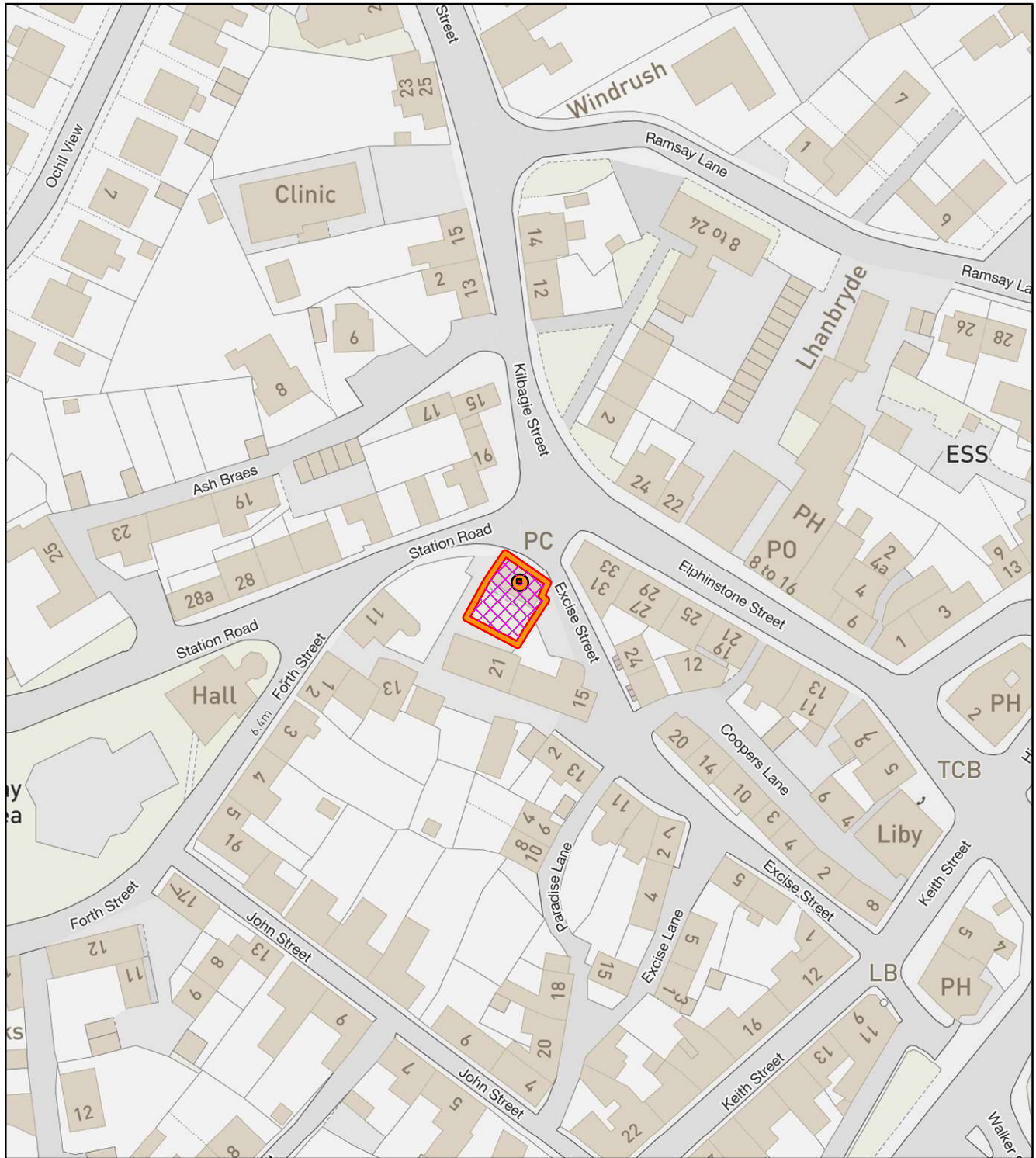
Report prepared by Brian Forsyth, Planner

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

Date Printed 12/07/2022

# 22/01017/LBC

17-19 Excise Street Excise Street Kincardine



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

**ITEM NO: 14**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00181/FULL**

**SITE ADDRESS: 11A SCHOOL STREET MARKINCH GLENROTHES**

**PROPOSAL: INSTALLATION OF REPLACEMENT WINDOWS TO FRONT AND REPLACEMENT OF 2 WINDOWS WITH DOORS TO REAR OF DWELLINGHOUSE**

**APPLICANT: MR COLIN PRIESTLEY  
11A SCHOOL STREET MARKINCH GLENROTHES**

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

**CASE OFFICER: Andrew Cumming**

**DATE REGISTERED: 01/03/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application could be determined under delegated authority, but the associated application for listed building consent would be subject to a different appeal route unless both the applications are determined by Committee.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority

should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

## 1.0 BACKGROUND

1.1 The application property is a traditional, semi-detached, single storey dwellinghouse, part of a pair of Category B listed cottages with the attached No. 11, with later extensions to the rear. The property lies within Markinch Conservation Area in an established principally residential area with a mix of property styles.

1.2 This planning application is for replacement of the door and two windows on the front elevation, and replacement of the two rear elevation windows with doors. The proposed windows would be constructed in timber but would have a modern double swing opening method. The replacement front door would be constructed in timber to match the existing front door, whilst on the rear elevation the two new doors would be of timber construction with glazed panels.

1.3 The only recent, previous application received for this property is the corresponding listed building consent application for these proposals, 22/00182/LBC, also recommended for refusal.

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. 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
- Current photographs of the site provided by the agent.

Therefore, given the scale and nature of the proposal it is considered the evidence and information available to the case officer is sufficient to determine the proposal.

## 2.0 PLANNING ASSESSMENT

2.1 The key issues in the assessment of this application is the impact on the Listed Building/Conservation Area.

### 2.2 IMPACT ON THE LISTED BUILDING/CONSERVATION AREA

2.2.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Scotland's Historic Environment Policy for Scotland (2019), Managing Change In The Historic Environment: Windows (2020), Policies 1, 10 and 14 of the Adopted Local Plan, and Fife Council's Approved Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas, and Markinch Conservation Area Appraisal and Management Plan apply.

2.2.2 The above advise that new development within the historic environment shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; protect or enhance and be appropriate to the architectural interest of listed buildings; that windows in Listed Buildings should only be replaced if they are beyond repair, and should match the original windows in every way.

2.2.3 Impact on the listed building was raised as an issue in the representation received from the Architectural Heritage Society of Scotland and also in the consultation response from Fife

Council's Built Heritage, where it was stated that the proposals to remove the front elevation windows without justification would constitute an unnecessary loss of original fabric, detrimental to the historic character and integrity of the listed building.

2.2.4 Both cottages are B-listed and appear to have retained their matching original sliding timber sash and case windows front elevation windows. Historic Environment Scotland's Policy and Fife Council Guidance require that as a first option original windows should be repaired rather than replaced, unless it can be demonstrated that they are beyond repair. Additional information was provided by the agent, however, this was not considered to justify the replacement of the front elevation windows. In addition, the modern style and opening mechanism of the proposed windows would result in a significant detrimental impact on the character of the listed building and the surrounding Conservation Area. The proposals for the replacement of the later extension's windows with doors to the rear would have less of a detrimental impact on the listed building or conservation area, however, the application proposal must be considered as a whole and would not be in compliance with Policies 1, 2 and 14 of the Development Plan and associated guidance.

## CONSULTATIONS

Historic Environment Scotland  
Fife Council Built Heritage

Consulted on associated LBC application.  
Consulted on associated LBC application.

## REPRESENTATIONS

One representation has been received raising concerns about the impact on the listed building, already addressed earlier in this report at paragraph 2.2.

## CONCLUSIONS

The proposal to replace the two front elevation windows, without acceptable justification to do so, with modern style replacements is considered inappropriate and unacceptable for this building in terms of their style and opening method, and would detrimentally impact upon the historic character and integrity of this Category B listed building, and the wider conservation area. As such the proposals are not in compliance with relevant policies of the Development Plan and associated guidance.

## RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of protecting the character and integrity of this Category B listed building within the conservation area; the proposed replacement windows by virtue of their inappropriate and unacceptable style and opening method would detrimentally impact on the historic character and architectural appearance of the listed building and the wider conservation area. Such works, if permitted, would conflict with the objectives of Scottish Planning Policy (2014), Historic Environment Scotland (HES) - Policy Statement (2019), Managing Change In The Historic Environment: Windows (2020), Policies 1, 10 and 14 of the Adopted FIFEplan (2017), Fife Council's Approved Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas, and Markinch Conservation Area Appraisal and Management Plan, and if



approved the decision would set an undesirable precedent on future decisions for similar proposals on other listed buildings and within the conservation area.

## **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997  
Scottish Planning Policy (2020) (Valuing the Historic Environment)  
Historic Environment Scotland's Historic Environment Policy for Scotland (2019)  
Managing Change In The Historic Environment: Windows (2020)

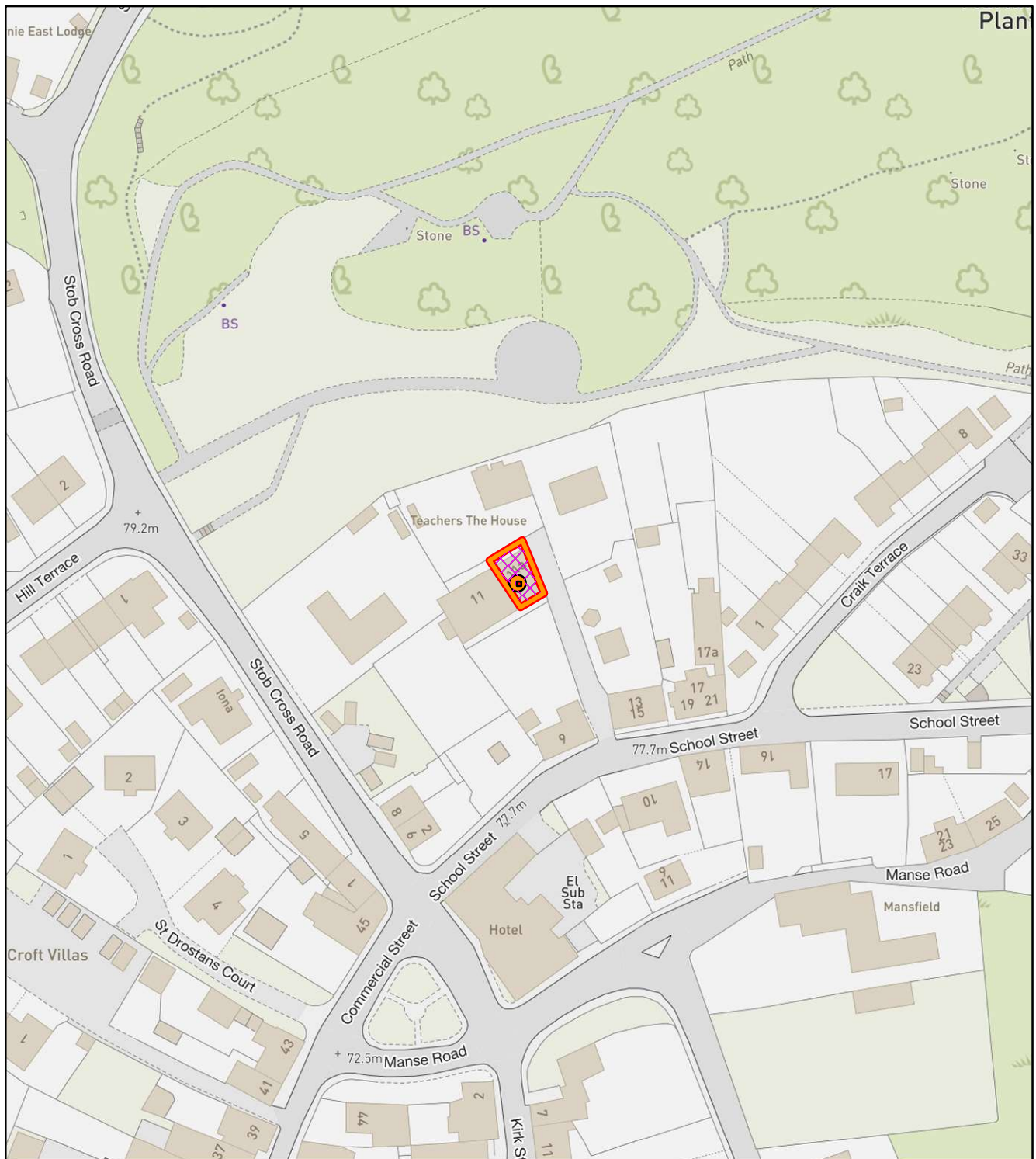
Adopted FIFEplan (2017)  
Fife Council's Approved Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas  
Fife Council's Approved Markinch Conservation Area Appraisal and Management Plan

Report prepared by Andrew Cumming, Planning Assistant  
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 29/07/2022

# 22/00181/FULL

## 11A School Street Markinch Glenrothes



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

**ITEM NO: 15**

**APPLICATION FOR LISTED BUILDING CONSENT REF: 22/00182/LBC**

**SITE ADDRESS: 11A SCHOOL STREET MARKINCH GLENROTHES**

**PROPOSAL: LISTED BUILDING CONSENT FOR INSTALLATION OF REPLACEMENT WINDOWS TO FRONT AND REPLACEMENT OF 2 WINDOWS WITH DOORS TO REAR OF DWELLINGHOUSE**

**APPLICANT: MR COLIN PRIESTLEY  
11A SCHOOL STREET MARKINCH KY7 6DZ**

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

**CASE OFFICER: Andrew Cumming**

**DATE REGISTERED: 07/02/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application could be determined under delegated authority, but the associated application for planning permission would be subject to a different appeal route unless both the applications are determined by Committee.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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

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

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

## 1.0 BACKGROUND

1.1 The application property is a traditional, semi-detached, single storey dwellinghouse, part of a pair of Category B listed cottages with the attached No. 11, with later extensions to the rear. The property lies within Markinch Conservation Area in an established principally residential area with a mix of property styles.

1.2 This planning application is for replacement of the door and two windows on the front elevation, and replacement of the two rear elevation windows with doors. The proposed windows would be constructed in timber but would have a modern double swing opening method. The replacement front door would be constructed in timber to match the existing front door, whilst on the rear elevation the two new doors would be of timber construction with glazed panels.

1.3 The only recent, previous application received for this property is the corresponding planning application for these proposals, 22/00181/FULL, also recommended for refusal.

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. 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
- Current photographs of the site provided by the agent.

Therefore, given the scale and nature of the proposal it is considered the evidence and information available to the case officer is sufficient to determine the proposal.

## 2.0 PLANNING ASSESSMENT

2.1 The key issues in the assessment of this application is the Impact on the Listed Building.

### 2.2 IMPACT ON THE LISTED BUILDING

2.2.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Scotland's Historic Environment Policy for Scotland (2019), Managing Change In The Historic Environment: Windows (2020), Policies 1, 10 and 14 of the Adopted Local Plan, and Fife Council's Approved Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas, and Markinch Conservation Area Appraisal and Management Plan apply.

2.2.2 The above advise that new development within the historic environment shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; protect or enhance and be appropriate to the architectural interest of listed buildings; that windows in Listed Buildings should only be replaced if they are beyond repair, and should match the original windows in every way.

2.2.3 Impact on the listed building was raised as an issue in the representation received from the Architectural Heritage Society of Scotland and also in the consultation responses from Historic Environment Scotland and Fife Council's Built Heritage, where it was stated that the proposals to

remove the front elevation windows without justification would constitute an unnecessary loss of original fabric, detrimental to the historic character and integrity of the listed building.

2.2.4 Both cottages are B-listed and appear to have retained their matching original sliding timber sash and case windows front elevation windows. Policy and guidance require that as a first option original windows should be repaired rather than replaced, unless it can be demonstrated that they are beyond repair. Additional information was provided by the agent, however, this was not considered to justify the replacement of the front elevation windows. In addition, the modern style and opening mechanism of the proposed windows would result in a significant detrimental impact on the character of the listed building. The proposals for the replacement of the later extension's windows with doors to the rear would have less of a detrimental impact on the listed building, however, the application proposal must be considered as a whole and would not be in compliance with the relevant policies of the Development Plan and associated guidance.

## **CONSULTATIONS**

Historic Environment Scotland  
Built Heritage, Planning Services

Advice provided.  
Advice provided.

## **REPRESENTATIONS**

One representation has been received raising concerns about the impact on the listed building, already addressed earlier in this report at paragraph 2.2.

## **CONCLUSIONS**

The proposal to replace the two front elevation windows, without acceptable justification to do so, with modern style replacements is considered inappropriate and unacceptable for this building in terms of their style and opening method, and would detrimentally impact upon the historic character and integrity of this Category B listed building. As such the proposals are not in compliance with relevant policies of the Development Plan and associated guidance.

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. In the interests of protecting the character and integrity of this Category B listed building; the proposed replacement windows by virtue of their inappropriate and unacceptable style and opening method would detrimentally impact on the historic character and architectural appearance of the listed building. Such works, if permitted, would conflict with the objectives of Scottish Planning Policy (2014), Historic Environment Scotland (HES) - Policy Statement (2019), Managing Change In The Historic Environment: Windows (2020), Policies 1, 10 and 14 of the Adopted FIFEplan (2017), Fife Council's Approved Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas, and Markinch Conservation Area Appraisal and Management Plan, and if approved the decision would set an undesirable precedent on future decisions for similar proposals on other listed buildings.

## **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997  
Scottish Planning Policy (2020) (Valuing the Historic Environment)  
Historic Environment Scotland's Historic Environment Policy for Scotland (2019)  
Managing Change In The Historic Environment: Windows (2020)

Adopted FIFEplan (2017)

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

Fife Council's Approved Markinch Conservation Area Appraisal and Management Plan

Report prepared by Andrew Cumming, Planning Assistant

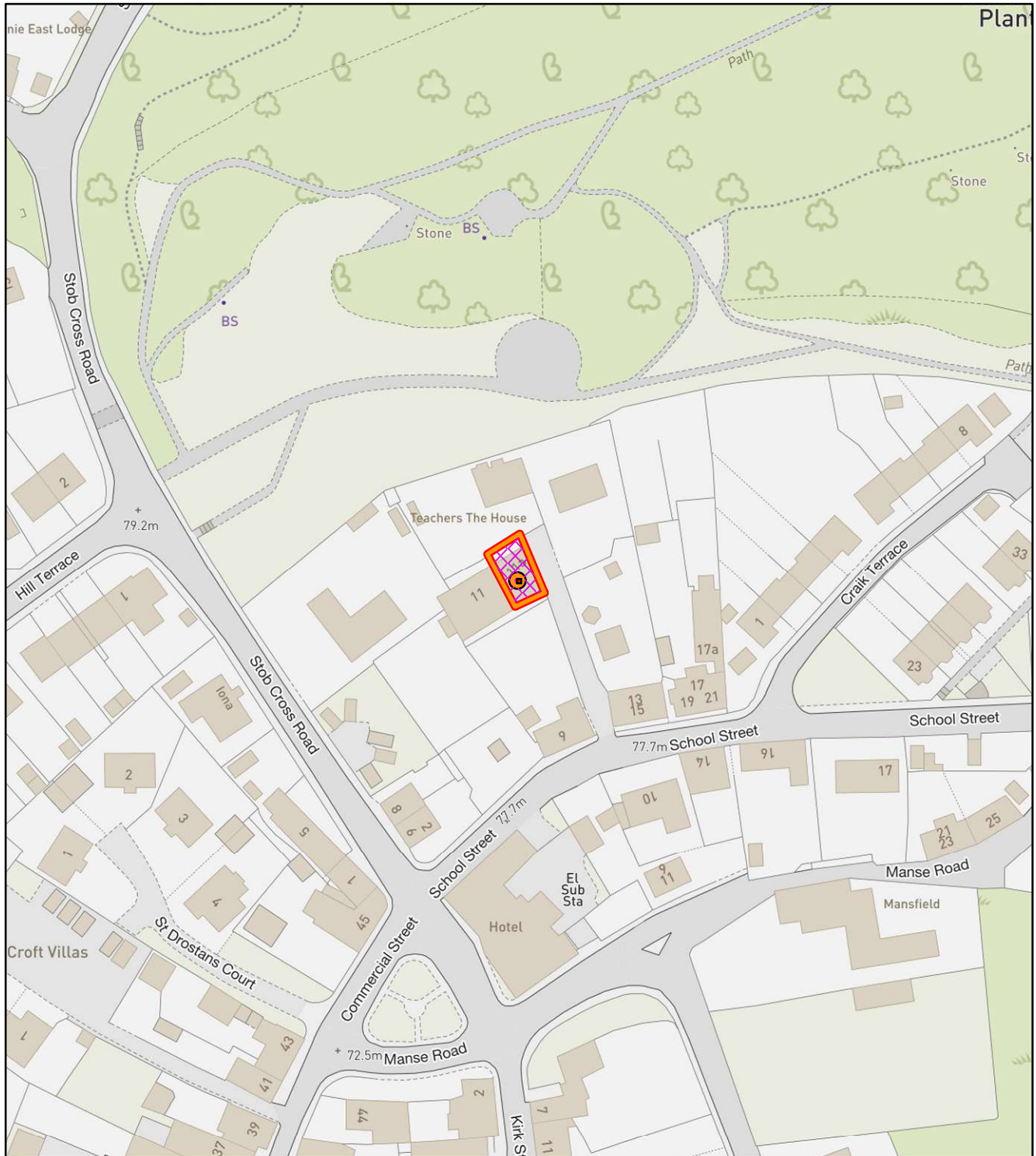
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 29/07/2022



# 22/00182/LBC

## 11A School Street Markinch Glenrothes



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<b>Legend</b>			
	Application Boundary		

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**ITEM NO: 16**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01168/FULL**

**SITE ADDRESS: 19 SOUTH FEUS UPPER LARGO LEVEN**

**PROPOSAL : INSTALLATION OF REPLACEMENT WINDOWS AND DOORS TO DWELLINGHOUSE**

**APPLICANT: MR & MRS A. BUTTERS  
19 SOUTH FEUS UPPER LARGO LEVEN**

**WARD NO: W5R21  
Leven, Kennoway And Largo**

**CASE OFFICER: Fiona Kirk**

**DATE 15/04/2022  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than five objections have been received with regard to this proposal.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.



## 1.0 BACKGROUND

1.1 The application site relates to a detached modern one and a half storey dwellinghouse which is situated within an established residential area in the village settlement of Upper Largo as defined in the Adopted FIFEplan Local Development Plan 2017. The property is also situated within the Upper Largo Conservation Area and has open views to the front across agricultural fields and the Firth of Forth. The dwellinghouse is enclosed with a small traditional stone wall to the front and stone walls and timber fencing to the rear at varying heights. This property built around 2000 has two pitched roof dormer windows to the front and two pitched roof dormer windows to the rear with a central rooflight. The finishing materials comprise of a natural slate roof, off-white dry dash render with sandstone quoins, white painted small pane timber sash and case windows and a red painted timber door to the front and dark grey painted timber sash and case windows and timber doors to the rear.

1.2 This planning application is for the installation of replacement windows and doors to the dwellinghouse. The proposal would involve the replacement of all of the windows to the front and rear in double glazed white painted timber. To the front the white timber windows would resemble a sash and case window with a mid-rail, with top outward opening casement style windows at ground floor level and white painted tilt and turn windows to the dormer extensions. The wide timber cover plates to the dormer window surrounds would be finished in anthracite grey to blend in with the natural slate roof. To the rear the windows would be replaced with white painted tilt and turn windows with the dormer window surround finished in anthracite grey, again to match the slate roof. The front door would be replaced with an anthracite grey timber composite door with the rear French doors replaced in white painted timber framed glazed doors.

1.3 The planning history for this property is as follows:

00/00921/EFULL - Erect two storey (attic) dwellinghouse – Approved with conditions (none relating to the windows)

18/02495/FULL - Change of use from agricultural land to private garden ground including the formation of parking and erection of boundary fence (part retrospect) - Refused

22/00318/FULL - Installation of replacement windows and doors to dwellinghouse - Withdrawn

1.4 A physical site visit has not been undertaken for this planning application. All necessary information has been collated digitally to allow for the full assessment of the proposal and it is considered given the evidence and information available to the Case Officer, this is sufficient to determine the proposal. All site notices are published at [www.tellmesotland.gov.uk/notices](http://www.tellmesotland.gov.uk/notices). The property can be adequately viewed to the front and aerial views on Google Maps and the agent has submitted photographs of the property. The Case Officer is also very familiar with the property and the surrounding area.

## 2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Impact on the Conservation Area, Design and Visual Impact

2.2 Principle of Development

2.2.1 Policy 1, Part A of the Adopted FIFEplan Local Development Plan (2017) stipulates that the principle of development will be supported if it is (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. As the application site lies within the settlement boundary of Upper Largo as defined in the Adopted FIFEplan Local Development Plan (2017) there is a presumption in favour of development subject to satisfactory details. Therefore, the proposal is considered to be acceptable in principle in broad policy terms as it would comply with the Local Development Plan in this respect. However, specific design details and finishing materials also need to be considered to determine if the proposal is acceptable as proposed.

### 2.3 Impact on the Conservation Area, Design and Visual Impact

2.3.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Policy for Scotland (2019), Historic Environment Scotland's Managing Change in the Historic Environment on Windows, HES New Design in Historic Settings (2010), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Fife Council's Making Fife Place's Supplementary Guidance (2018), Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (204) and Fife Council's Upper Largo Conservation Area Appraisal and Management Plan 2012 apply with regard to this property.

2.3.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be paid to the desirability of preserving the character and appearance of a Conservation Area. Policy HEP2 of the Historic Environment Policy for Scotland (2019) advises that decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations. Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Scottish Planning Policy (2014) (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development within a Conservation Area shall be appropriate to the character and setting of the Conservation Area. Change should be sensitively managed to avoid or minimise adverse impacts and to ensure that its special characteristics are protected, conserved or enhanced. It also advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use. Historic Environment Scotland's Managing Change in the Historic Environment on Windows advises that any new replacement proposals should seek to improve the situation through designs and materials that are in keeping with the character of the building. Historic Environment Scotland's New Design in Historic Settings advises that the sensitive use of appropriate colour, texture and pattern of materials whether traditional or contemporary is important. Also new interventions in historic settings do not need to look old in order to create a harmonious relationship with their surrounds.

2.3.3 Policy 14 of the Adopted FIFEplan Local Development Plan 2017 advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage the character or special appearance of a Conservation Area and its setting, having regard to Conservation Area Appraisals and associated management plans. Fife Council's Making Fife Place's Supplementary Guidance (2018) advises that good design plays a vital role to maintain the character and quality that affects people's experience of a place. Fife Council's Planning Customer Guideline on Windows advises that replacement window match the

original in every detail including materials, design, opening method and paint finish. The Upper Largo Conservation Area Appraisal and Management Plan 2012 advises that the correct use of traditional materials and detailing is important in defining, protecting and enhancing the special character of the Conservation Area. Any new development within a Conservation Area should also be sympathetic to adjacent buildings and the area as a whole.

2.3.4 Initially, prior to the submission of this planning application, an informal pre-application enquiry was carried out with regard to replacing the windows in UPVC. It was advised by Fife Council's Built Heritage Conservation Officer and a Planning Officer that as the property is a modern dwellinghouse built on an infill site already using materials, finishes, architectural detailing alien to the Conservation Area and particular setting, the use of UPVC frames was acceptable. On this basis, a planning application was submitted (22/00318/FULL) for replacement windows and doors in UPVC frames and following discussion with the agent, this application was withdrawn as it was considered that timber framed windows would be more appropriate. Consequently, this planning application was submitted with the windows to be installed in white painted timber frames to address the previous objector's comments with the use of UPVC.

2.3.5 With regard to this planning application, six objections have been submitted from neighbouring properties, The Architectural Heritage Society of Scotland and The East Neuk of Fife Preservation Society with concerns the new timber tilt and turn windows do not comply with Historic Environment Scotland's Managing Change in the Historic Environment on Windows, Fife Council's Window Guidance and Policy 14 guidelines where they should seek to match the original windows in design, form, fixing, method of opening and materials. Other concerns advise that the replacement windows should be traditional sash and case windows with astragals to match the existing windows and not in dark grey paint, the design is out of keeping with the area and existing property, the UPVC door is disappointing and the cottage was built to mirror Largo Cottage next door. To address objector concerns, the case officer considers that whilst the guidelines stipulate that the finishing materials should match the original windows in every detail, form, opening method and materials, this normally applies to traditional buildings within the Conservation Area. As stated earlier in this report, this property is a modern building and although built to resemble a traditional building, in particular the neighbouring property, Largo Cottage, the new timber sash and case style windows to the front would not harm the overall visual aesthetics and integrity of the building. There are other properties within South Feus which do not have small pane detailing to the windows. Furthermore, the upper floor tilt and turn windows would ensure adequate maintenance and cleaning can be achieved. This type of replacement window would ensure energy efficiency, be eco-friendly and require less maintenance. The dark grey paint would only be applied to the dormer surrounds to complement the existing slate roof and the composite woodgrain door would be similar to a timber door and is considered acceptable.

2.3.6 Officers consider that the compromise for timber windows to earlier intentions to use UPVC is welcomed and the finishes complement the existing modern building and the glazing features are a good example of contemporary architecture. Taking all of the above into account, it is considered that the proposal respects the architectural and visual quality of the surrounding environment and is in keeping with the character and appearance of the Upper Largo Conservation Area. Therefore, in this instance, the proposal accords with the overall visual quality of the property and does not have an adverse impact on the setting of the Upper Largo Conservation Area. It is considered that the proposal complies with National Guidance, the Local Development Plan and relevant guidelines relating to design and visual impact.

## CONSULTATIONS

None

## REPRESENTATIONS

Six objections have been submitted from neighbouring properties, The Architectural Heritage Society of Scotland and The East Neuk of Fife Preservation Society with regard to this proposal. The concerns raised in the objections can be summarised with a Planning Officer response as follows:

1. The new timber tilt and turn windows do not comply with Historic Environment Scotland's Managing Change in the Historic Environment on Windows, Fife Council's Window Guidance and Policy 14 guidelines where they should seek to match the original windows in design, form, fixing, method of opening and materials.

Case Officer response: This concern has been considered and addressed in Section 2.3.5 of this report.

2. The replacement windows should be traditional sash and case windows with astragals to match the existing windows.

Case Officer response: This concern has been considered and addressed in Section 2.3.5 of this report.

3. Inappropriate modern tilt and turn design painted in dark grey.

Case Officer response: This concern has been considered and addressed in Section 2.3.5 of this report and the agent has confirmed the windows would be finished in white timber externally and internally.

4. The design is out of keeping with the character of the area and existing property, UPVC door is disappointing and the cottage was built to mirror Largo Cottage next door.

Case Officer response: This concern has been considered and addressed in Section 2.3.5 of this report.

## CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of National Guidance, Local Development Plan, Fife Council Planning Customer Guidelines and relevant Upper Largo Conservation Area Appraisal and Management Plan 2012. The proposal is compatible with its surrounds in terms of design, scale and finishing materials and would not cause any detrimental impact on the surrounding properties, residential amenity and the character and appearance of the Upper Largo Conservation Area.

## RECOMMENDATION

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

1. FOR THE AVOIDANCE OF DOUBT, the proposed windows hereby approved shall be finished externally in white painted timber upon installation and thereafter permanently maintained as such with no visible trickle vents.

Reason: In the interests of visual amenity; to ensure that the character and appearance of the Upper Largo Conservation Area is maintained.

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

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

##### National Guidance

Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997  
Historic Environment Policy for Scotland (2019)  
Scottish Planning Policy (2014) (Valuing the Historic Environment)  
Historic Environment Scotland's Managing Change in the Historic Environment on Windows  
Historic Environment Scotland's New Design in Historic Settings (2010)

##### Development Plan

Adopted FIFEplan Local Development Plan (2017)  
Fife Council's Making Place's Supplementary Guidance (2018)

##### Other Guidance

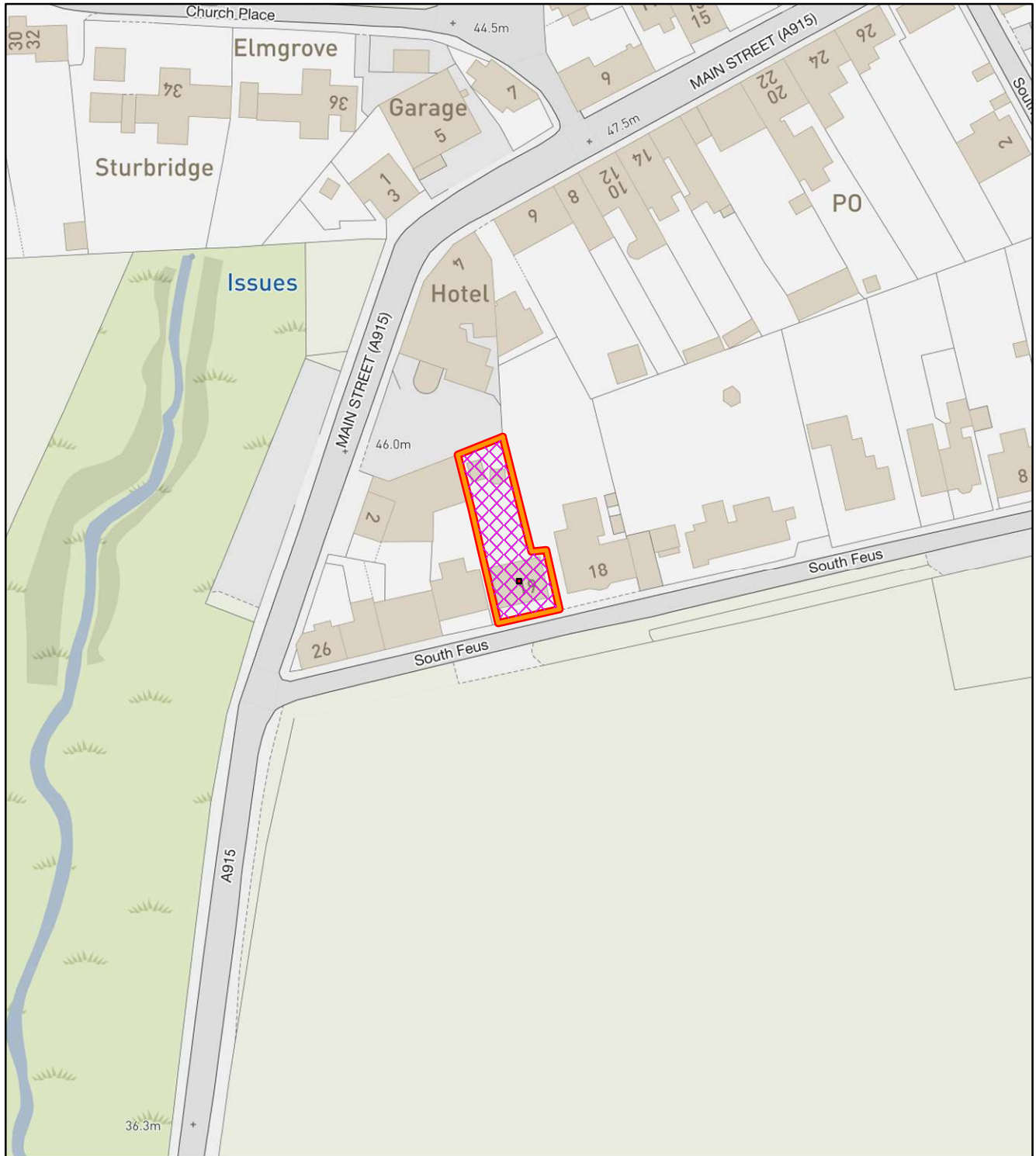
Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2014)  
Fife Council's Upper Largo Conservation Area Appraisal and Management Plan (2012)

Report prepared by Fiona Kirk, Case Officer and Planning Assistant  
Report agreed and signed off by Mary Stewart Service Manager and Committee Lead

Date Printed 02/06/2022

# 22/01168/FULL

## 19 South Feus Upper Largo



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

24<sup>th</sup> August, 2022  
Agenda Item No. 17

## **22/00770/FULL - Creation of public footpath and installation of railings and gate at Former Seafield Colliery Site, Seafield Court, Kirkcaldy Fife**

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Report by: Pam Ewen, Head of Planning Services

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Wards Affected: Burntisland, Kinghorn And West Kirkcaldy

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### **Purpose**

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This application has been appealed to the Directorate of Planning and Environmental Appeals (DPEA) under the grounds that Fife Council as planning authority has not determined the application within the two-month statutory period. As part of this process, Committee are normally asked to provide a view to the DPEA as to how they believe the application should be determined. As the DPEA Reporter was unable to wait until this meeting of Central & West Planning Committee, the Head of Planning Services exercised her delegated powers to determine the Council's position at any appeal in relation to planning matters, in consultation with the Convener of the relevant committee.

The purpose of this report is to inform the Committee of the view of the Council as Planning Authority, which was provided to the DPEA.

### **Recommendation(s)**

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That the Committee note the view on application 22/00770/FULL provided to the DPEA, following a meeting between Cllr David Barrett (Convener of Central & West Planning Committee); Pam Ewen (Head of Planning Services); Mary MacLean (Legal Services); and Chris Smith (Lead Officer and case officer) on 5<sup>th</sup> July 2022.

### **Legal & Risk Implications**

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There are no direct or indirect legal implications affecting Fife Council as Planning Authority.

### **Consultation**

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The case proposal was outlined to all those present at the meeting of 5<sup>th</sup> July 2022. All parties had sight of the planning case officers Report of Handling (Appendix 1). The planning assessment recommendation was for conditional approval. At the meeting, some minor points of clarity were recommended to be added to the Report of Handling, but no new material changes were made to the assessment or recommendation.

### **Conclusions**

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It was agreed, in consultation with the Committee Convener, that the draft recommendation to the DPEA Reporter of Conditional Approval (subject to the 5 draft recommended

conditions and reasons for the Reporter's consideration) be submitted as the Council's position.

## **Background Papers**

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

## **Report Contact**

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Author Name	Chris Smith
Author's Job Title	Lead Officer Planner, Development Management
Email	<a href="mailto:development.central@fife.gov.uk">development.central@fife.gov.uk</a>



# APPENDIX 1

CENTRAL AND WEST PLANNING COMMITTEE

COMMITTEE DATE: 24/08/2022

**ITEM NO:**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00770/FULL**

**SITE ADDRESS: FORMER SEAFIELD COLLIERY SITE SEAFIELD COURT KIRKCALDY**

**PROPOSAL : CREATION OF PUBLIC FOOTPATH AND INSTALLATION OF RAILINGS AND GATE**

**APPLICANT: SEAFIELD COMMUNITY NEIGHBOUR GROUP BURN HOUSE CUPAR UNITED KINGDOM**

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

**CASE OFFICER: Chris Smith**

**DATE REGISTERED: 30/03/2022**

## REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The applicant has lodged an appeal (DPEA Reference Number PPA-250-2381) to the DPEA against non-determination of the planning application and therefore a committee level opinion is required to be submitted to Scottish Ministers and the number of written representations received contrary to the officer recommendation has also exceeded 6.

## SUMMARY RECOMMENDATION

The application is recommended for: Conditional Approval

## ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

## 1.0 BACKGROUND

### 1.1 Site Description

1.1.1 The broadly linear shaped application site is approximately 1.38 hectares in area and is located within the settlement boundary for Kirkcaldy & Dysart, as defined in the Adopted FIFEplan – Fife Local Development Plan (2017). The site consists of semi-natural undeveloped terraced greenspace ground located near to existing residential properties (located on East Vows Walk/Long Craig Walk to the west and southern end of the site). The site itself contains a mix of natural vegetation (mostly low level self-seeding shrubs of mixed types) and informal footpaths. Access to the site can be achieved mostly on foot from multiple access points around the site boundary. Historically some aspects of the site have been previously developed for commercial uses (works – buildings and mining related uses)/transportation (former rail line) etc. but these elements have long since been removed and made ground formed as part of the coastal terracing landscaped character along with a more naturalised environment as part of the natural regeneration of the site.

1.1.2 The site is also located near to the Firth of Forth, which at this location is also a designated Special Protection Area (known as the ‘Outer Firth of Forth and St Andrews Bay Complex’); RAMSAR site and Firth of Forth Site of Special Scientific Interest (SSSI). The site forms part of a larger (approximate 9 hectares) area of ‘Protected Open Space’ and also forms part of a designated ‘Green Network Policy Area’ (identified as the ‘Kirkcaldy Coast’ Reference number KIRGN001). The Fife Coastal Path (Seafield Tower to Seafield Car Park leg - Reference Number P475/03) also runs along the coast outwith but immediately adjacent to the east side of the site. Other ‘claimed’ access routes are also recorded locally. There are no built heritage assets within or immediately adjacent to the site (e.g. Scheduled Monuments, Listed Buildings, Conservation Areas etc.). The site does not form part of any Fife Council managed ‘Common Good’ land. It should be noted that as no part of the site falls within the above ecological designated protected sites nor is it anticipated that any of the proposed works (either by their very limited nature or geographical location) would have any likely related impact (positive or negative) on such designated interests or habitats no further assessments in that regard were deemed necessary.

1.1.3 The site also predominantly lies within a Coal Authority ‘Low Risk’ zone apart from a small area to the northern end close to an Air Shaft, which is designated as ‘High Risk’. However, as the site does not involve significant ground-breaking works, Coal Authority input was not deemed necessary.

### 1.2 Proposal

1.2.1 This application is for detailed planning permission to form/improve footpaths; create a viewing platform with associated low level angled interpretation signage boards; install a low level (500mm above ground) timber trip safety railing; and, swinging ‘gallows’ style metal gate (approximately 1m high) to restrict unauthorised vehicular access. Soft landscaping is also proposed and forms part of the applicant’s ‘Landscape Concept Proposals’ plan (dated March 2022). The landscaping plan shows areas of vegetation/footways proposed to be retained; areas proposed to be enhanced through new planting of local occurring species; the laying of an approximately 2m wide whin dust footpath to link to other existing routes; additional grassed/wildflower areas formed along with associated earth improvements to ensure planting/seed sowing takes particularly in more compacted areas. There would be no

alterations to the main site topography (coastal terrace type land character) or established footways such as the designated Coastal Path etc.

### 1.3 Planning History

1.3.1 The recent relevant planning history for the site relates to a proposal for the erection of 8 No. dwellinghouses with associated access, parking and infrastructure (Fife Council Planning Application Reference Number 21/00286/FULL) which was refused contrary to the officer recommendation at the Central & West Fife Planning Committee of April 2022. The reasons for refusal were based on the unjustified loss of safeguarded protected open space, and the unjustified loss of the existing green network asset and coastal greenspace at Seafield. That applicant has subsequently lodged an appeal to Scottish Ministers (DPEA Appeal Reference Number PPA-250-2378). The outcome of that appeal is as yet undetermined by the allocated Reporter. It should be noted that the applicant of this current planning proposal is different from the 2021 housing development proposal, which was submitted by the land owner.

### 1.4 Procedural Issues

1.4.1 This is a Local application, as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and as such a Proposal of Application Notice nor pre-application submission public consultation event were required to be carried out.

1.4.2 Fife Council, as part of the FULL application registration process, Screened the proposal under the terms of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The proposed development did not fall within a Schedule 1 or 2 type development and therefore, the Council concluded that the development did not require an environmental impact assessment (EIA). Therefore, the application can proceed without the need for an EIA Report.

1.4.3 The application did not require to be advertised in The Courier & Advertiser (local designated newspaper) as no advertising triggers (e.g. affecting a built heritage asset; contrary to the Local Development Plan, Bad Neighbour Development etc) occurred/were deemed relevant in this case.

## 2.0 PLANNING ASSESSMENT

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

- a) Principle of Development
- b) Design, Scale and Finishes/Placemaking
- c) Access/Rights of Way/Green Network
- d) Ecology
- e) Contaminated Land/Site Stability

### 2.2 Principle of Development

2.2.1 Scottish Planning Policy (2014) (SPP) advises that the planning system is about where development should happen, where it should not, and how it interacts with its surrounds. Proposals should take a positive approach to enabling sustainable and high-quality development, more connected places, promote low carbon/zero waste

generation, make efficient use of land to deliver long-term benefits for the public whilst protecting and enhancing natural and cultural resources and assets and the wider environment. The SPP also promotes proposals that would result in amongst others, better access by foot or cycle as well as contributing to the creation of successful and sustainable places.

2.2.2 Approved SESplan – South East Scotland Strategic Development Plan 2012-2032 (2013) Policy 1B advises that local development plans will ensure there are no significant adverse impacts on amongst others listed, natural or built heritage assets and particular regard must be had to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live. Regard must also be given to the use of high-quality design and use of sustainable building materials.

2.2.3 Adopted FIFEplan – Fife Local Development Plan (2017) Policy 1 Part A; 1) advises that the principle of development within a defined settlement boundary which is compliant with the policies for the location; or in a location where the proposed use is supported by the Local Development Plan, will be supported.

2.2.4 In this instance the principle of the proposal is considered acceptable as it relates to a previously developed but predominantly naturally regenerated area within the settlement boundary where there is a presumption in favour of such developments. With regards to meeting the other key access/amenity/ecological related policy criteria, these will be assessed in more detail later in this report.

## 2.3 Design, Scale and Finishes/Placemaking

2.3.1 Approved SESplan advises that local Development Plans should have regard to the need for high quality design and use of sustainable materials, whilst Policy 1B advises that Development Plans will ensure there are no significant adverse impacts on the integrity of international, national and local designations and classifications (listing a number of ecological, landscape and visual, as well as built or cultural heritage protected site designations). Further to this, local Development Plans should also have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live, and ensure proposals have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

2.3.2 Approved FIFEplan Policy 1 (Part B (7)); Policy 10 (7); and Policy 14 advise that proposals should safeguard the character and qualities of the built environment and wider landscape, proposals should not lead to a significant visual detrimental impact on their surrounds, and new developments must meet the 6 qualities of successful places - distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around and beyond. Further guidance on how these qualities will be interpreted and addressed are provided in Fife Council's Making Fife's Places Supplementary Guidance document. Policy 13 of FIFEplan also reiterates that development proposals will only be supported where they protect or enhance natural heritage and access assets where they add to the landscape character and views and add to the landscape quality and amenity value.

2.3.3 As part of the application submission, the applicants included a Landscape Concept Proposals report, which conducted a visual appraisal as well as providing details of the design and detail principles employed in reaching the proposed design

and layout of this proposal and demonstrating that it would protect and enhance the site and its visual and landscape characteristics etc.

2.3.4 In this instance, the proposal is considered acceptable and would protect and enhance the site and its surrounds. The proposed footway would be of a suitable width, scale, external material finish and colour scheme that would be appropriate for the area and would clearly define the footway boundaries and would use a soft rather than hard foundation all to protect the local environment and reduce compaction and erosion from wandering users. The proposed gallows gate and railing features would use traditional materials and would be relatively small in scale. The formation/formalisation of a designated viewpoint with appropriate safety features is also considered acceptable and would concentrate users to a designated area with appropriate ground materials. The proposed interpretation boards are also considered acceptable as they would be small in scale and number, would use appropriate finishing materials and would be typical of other similar approved interpretation boards in Fife. Overall, it is considered that each element on its own as well as cumulatively, would enhance the sites and its wider setting and would provide a more structured managed experience for users whilst retaining a more open natural setting.

## 2.4 Access/Rights of Way/Green Network

2.4.1 SPP (Maximising the Benefits of Green Infrastructure) seeks to protect, enhance and promote green infrastructure and green networks, as an integral component of successful placemaking. Green infrastructure and improved access to open space can help build stronger, healthier communities, is an essential part of long-term environmental performance and climate resilience, improves the quality of places and spaces and can also encourage investment and development. The planning system should consider green infrastructure as a design component of new development, to look for opportunities to improve connections with existing spaces and encourage easy and safe access through greenspaces via core paths and other linkages. The principles of sustainable development in paragraph 29 of SPP contain three principles which relate to green infrastructure and open space. The first is a requirement to protect natural features, including green infrastructure. The second requires a development to promote health and wellbeing through opportunities for social interaction and outdoor recreation. The third is a requirement to avoid over-development and protect the amenity of new and existing development.

2.4.2 SESplan Policy 8 (Transportation) advises amongst other criteria listed that proposals should promote non-car modes of travel and consideration should also be given to proposals involving walking routes and potential traffic-free cycling. Policy 11 (Delivering the Green Network) of SESplan also promotes opportunities to develop and expand Green Networks as well as connectivity all in the interests of optimising the potential to deliver a range of social and environmental benefits amongst those listed.

2.4.3 FIFEplan Policy 1 Part C (4) requires developments to provide green infrastructure in accord with the Green Network Map. Policy 3 of FIFEplan advises 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. Such infrastructure and services in this instance include green infrastructure and green network requirements. Policy 3 also advises that the loss of valuable infrastructure will not be supported where it would result in the loss of viable and valuable cultural, tourism or community resources; and, the loss of existing or proposed open space unless equivalent or better alternative provision will be provided in a location

convenient for users. Development proposals must demonstrate how they will provide footpaths, cycleways which are designed for all users and integrate and link with existing or planned networks. FIFEplan Policy 10 (Amenity) advises that outdoor recreation and open space provide important amenities which should be protected and enhanced. Policy 13 (Natural Environment and Access) also advises that proposals will only be supported where they protect or enhance access assets including green networks and greenspaces and, core paths, cycleways, bridleways, existing rights of way, and established footpaths.

2.4.4 In assessing this proposal Fife Council's Transportation Development Management Team were consulted and advised that they had no objections to the proposal but did advise that the proposed low level railing and gate, to prevent vehicular access, with gates for maintenance around the extents of the turning head at the northern end of Craigfoot Place should instead, if the appeal is upheld, ensure that a revised plan be submitted showing the proposed railings and gates repositioned so that they are located outwith the 2 metre wide service strip that forms part of the public road boundary around the extents of the hammerhead. A recommended condition has been included should the appeal be upheld.

2.4.5 In this instance the proposal is considered acceptable as it would protect and enhance access routes and linkages, would enhance existing recorded routes, would enhance the designated Green Network and it would provide outdoor amenity opportunities for the local community. The proposal therefore complies with national and local policies and guidance in that regard.

## 2.5 Ecology

2.5.1 The SPP (Valuing the Natural Environment) advises that the natural environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning therefore plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use. The planning system should facilitate positive change whilst maintaining and enhancing the distinctive landscape character; conserve and enhance protected sites and species taking account of the need to maintain healthy ecosystems. The planning system should also promote the protection and improvement of the water environment in a sustainable and co-ordinated way; seek to protect soils from damage such as erosion or compaction; and, seek benefits for bio-diversity from new developments where possible and, support opportunities for enjoying the natural environment.

2.5.2 The SPP advises that statutory natural heritage designations are important considerations, but such designations should not necessarily imply a prohibition on development. The precautionary principle should also apply where the impacts of a proposed development on nationally or internationally significant landscapes or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Such a precautionary principle however should not be used to impede development unnecessarily, especially when further research, surveys or assessments could remove or reduce such uncertainty. Developments that would have a detrimental effect on international designations should not be supported. The SPP also advises that the presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is

present on site or may be affected by a proposed development, steps must be taken to establish their presence.

2.5.3 Approved SESplan Policy 1B advises that local Development Plans will ensure there are no significant adverse impacts on the integrity of ecological areas of international, national and local importance and any other Phase 1 Habitats or European protected species. SESplan also advises that local Development Plans should have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural environment to create more healthy and attractive places to live.

2.5.4 FIFEplan Policy 1 Part B criterion 9 protects against the loss of natural resources, such as designated nature conservation sites. Policy 13 of FIFEplan advises that proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of international and national importance. (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.

2.5.5 In this instance it is considered that the proposal is acceptable as it would not significantly impact on any protected species or natural heritage assets either within or close to the site. Further to that, the proposal is also considered acceptable as it would protect and enhance the wider environmental quality and bio-diversity of the site which it is considered currently has limited bio-diversity assets. Further to that, the proposal is also considered acceptable as it would improve the natural landscape character and the range of habitat/species types locally all to the betterment of the site, the wider Green Network itself and the range of habitats opportunities available for local wildlife and ornithological interests to nest/roost and forage. For the above reasons it is therefore considered that the proposal complies with national and local policies and guidance relating to ecological/natural heritage protection and bio-diversity enhancements. In the interests of proper planning and to ensure the landscaping scheme remains maintained on a regular and satisfactory basis, a condition has been included to ensure details of the future management regime are submitted for prior agreement should this appeal be upheld.

## 2.6 Contaminated Land/Site Stability

2.6.1 PAN 33 stresses the need to ensure that land is made suitable for the proposed new use and that this is the responsibility of the Planning Authority. FIFEplan Policy 10 (Amenity) advises that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality as well as contamination and unstable land issues. Fife Council's Advice for Developing Brownfield Sites in Fife (2018) also provides advice and guidance relating to the standards and key considerations when developing previously developed sites.

2.6.2 The wider site historically has had various uses including quarrying, coal mining and rail/rail sidings and therefore in order to ensure the site is contaminant free the Council's Land & Air Quality (L&AQ) officers were consulted and advised that assessments to test soils, waters, gases and vapours should be conducted and they recommend 3 standard conditions be applied should the application be upheld at appeal. The conditions have been included. In terms of site stability, L&AQ officers advise that as there are several inferred coal pits/shafts located within the boundary of the proposed development, the Coal Authority should be consulted. In this instance

though, given the proposal involves very limited shallow ground works and no significant load bearing elements, a Coal Authority consultation was not deemed necessary given their standard consultation criteria does not require such schemes to necessitate a standard consultation from them.

2.6.3 In this instance, and given the relatively small scale low impact limited ground breaking nature of the proposal, it is considered that the proposal would be acceptable in meeting national and local policies and guidance subject to the recommended conditions being included were the appeal to be upheld, all to ensure the site is appropriately mitigated for in terms of any potential contamination recorded and to obtain assurances that the site remains stable for future users. The recommended conditions have been included should the appeal be upheld.

## CONSULTATIONS

Land And Air Quality, Protective Services	Conditional Approval – to ensure local mine legacy matters are suitably addressed.
Transportation, Planning Services	No objections although proposed railings and gate for maintenance should be located out with the 2m wide service strip that forms part of the public road boundary around the extent of the hammerhead.
Environmental Health (Public Protection)	No comments or objections.

## REPRESENTATIONS

A total of 27 letters were received in relation to this planning application. 6 objections have been received including one on behalf of the site landowner. The reasons for objecting include:-

- Applicants have no ownership rights.
- Previous housing proposal was better solution.
- Insufficient detail contained in current application.
- Site is unsightly and has been for years.
- Footpaths do not link up.
- Additional cost for locals to pay for works.
- Would attract anti-social behaviour.
- Landowner will not sell to applicants nor give development rights.
- Query the 'nil' land use label given by applicants to site.
- References made to previous designations contained/considered in previous Local Plans.
- Comments made regarding contents of submission for the other site application currently before the DPEA Reporter.
- Queries raised regarding quality of submission and processes and procedures followed by applicant as part of submission.

In response to the objections the Council would advise that sufficient details were submitted to allow an assessment and recommendation to be formed. In terms of ownership matters and the ability or otherwise of the applicants to carry out any works on site should the appeal be upheld would be a solely private legal matter out with the



control of the planning system itself. Cost issues and future maintenance are matters for the applicants to provide/resolve not the Local Authority or taxpayer.

Queries such as the processes and procedures employed by the applicant prior to submission are not material in the consideration of this proposal nor is the site condition. Comments made regarding the merits of another planning application for the same site are not relevant to the consideration of this application as the merits of each case must be made on a site by site / application by application basis. Regarding concerns about possible anti-social behaviour as a result of this proposal being approved, the development type in its own right is not one normally associated with attracting such issues and it is considered to be a suitable land use compatible with the predominantly residential nature of the area. If however anti-social occurrences were to arise then Police Scotland would be the more appropriate authority to deal with such matters, which ultimately the planning system itself can not legislate nor be accountable for inappropriate human behaviours.

In terms of the 'nil' land use label given to the site by the applicant, it is recognised that there have historically been a number of land uses on site but in recent years it has remained unused other than for informal outdoor recreational use. Ultimately though the site is designated within the settlement boundary as defined protected open space and part of a wider Green Network. Ultimately though, a site can have more than one planning permission in place at any one time and equally any approved land use can only become formal once it has actually been implemented on site and that also needs to be agreed with the legal landowner.

In addition to the above objection letters, 21 letters of support have been received on the basis that:-

- The proposal accords with the Local Development plan and other related guidance especially with regards to open space/access, Green Network and local bio-diversity provision and enhancements.
- Site been unused and unkempt for a good number of years and could do with submitted improvements etc.
- Proposal would enhance access and nature conservation/wildlife of area and nearby designated sites.
- Would protect amenity of area and avoid pollution.
- Would prevent unauthorised/anti-social uses occurring.

In assessing this proposal all the objection/support letters and their comments etc where materially relevant to the proposal were noted and the key issues raised considered in the above report.

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## **CONCLUSIONS**

The proposal is considered acceptable in meeting the terms of the Local Development Plan, National Policies and Guidelines and relevant Council Supplementary Planning Guidelines. The proposal is also considered acceptable as it would be located within the settlement boundary, would be a compatible land use to adjacent existing established uses, would not undermine any residential amenity matters, would be acceptable in terms of design, scale and use of finishing materials, would enhance the visual character of the area, would protect and enhance access and green network linkages and would enhance the biodiversity of the local area without detrimentally affecting other notable designated ecological assets or habitats.

## RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons and this be relayed to the DPEA Reporter as the Council's opinion:

1. FOR THE AVOIDANCE OF DOUBT, the proposed low-level railings and gate shall be located out with the 2 metres wide service strip that forms part of the public road boundary around the extent of the hammerhead, the details of which shall be submitted for the prior approval of Fife Council as Planning Authority before any work is carried out on site and thereafter the agreed scheme shall be implemented on site.

Reason: In the interests of protecting road safety and the associated infrastructure.

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

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

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

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 work on site (save for site investigation work) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the local planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement — or any approved revised Remedial Action Statement — a Verification Report shall be submitted by the developer to the local planning authority.

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

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

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

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

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

5. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare arrangements of the proposed landscaping and planting shall be submitted to and agreed in writing with Fife Council as Planning Authority. For the avoidance of doubt, the submitted details shall include any factoring or management regimes proposed including timescales; and, once agreed, those arrangements shall be complied with in full to agreed timescales and maintained as such in perpetuity unless otherwise agreed in written with this Planning Authority.

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.

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

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

National Guidance  
Scottish Planning Policy (2014)  
PAN 33 Development of Contaminated Land (Revised 2000)

Development Plan

Approved SESplan – South East Scotland Strategic Development Plan 2012-2032  
(2013)

Adopted FIFEplan – Fife Local Development Plan (2017)

Other Guidance

Fife Council Making Fife's Places (2018)

Fife Council Making Fife's Places - Appendix H - Green Networks Report

Fife Council's Advice for Developing Brownfield Sites in Fife (2018)

Background Papers

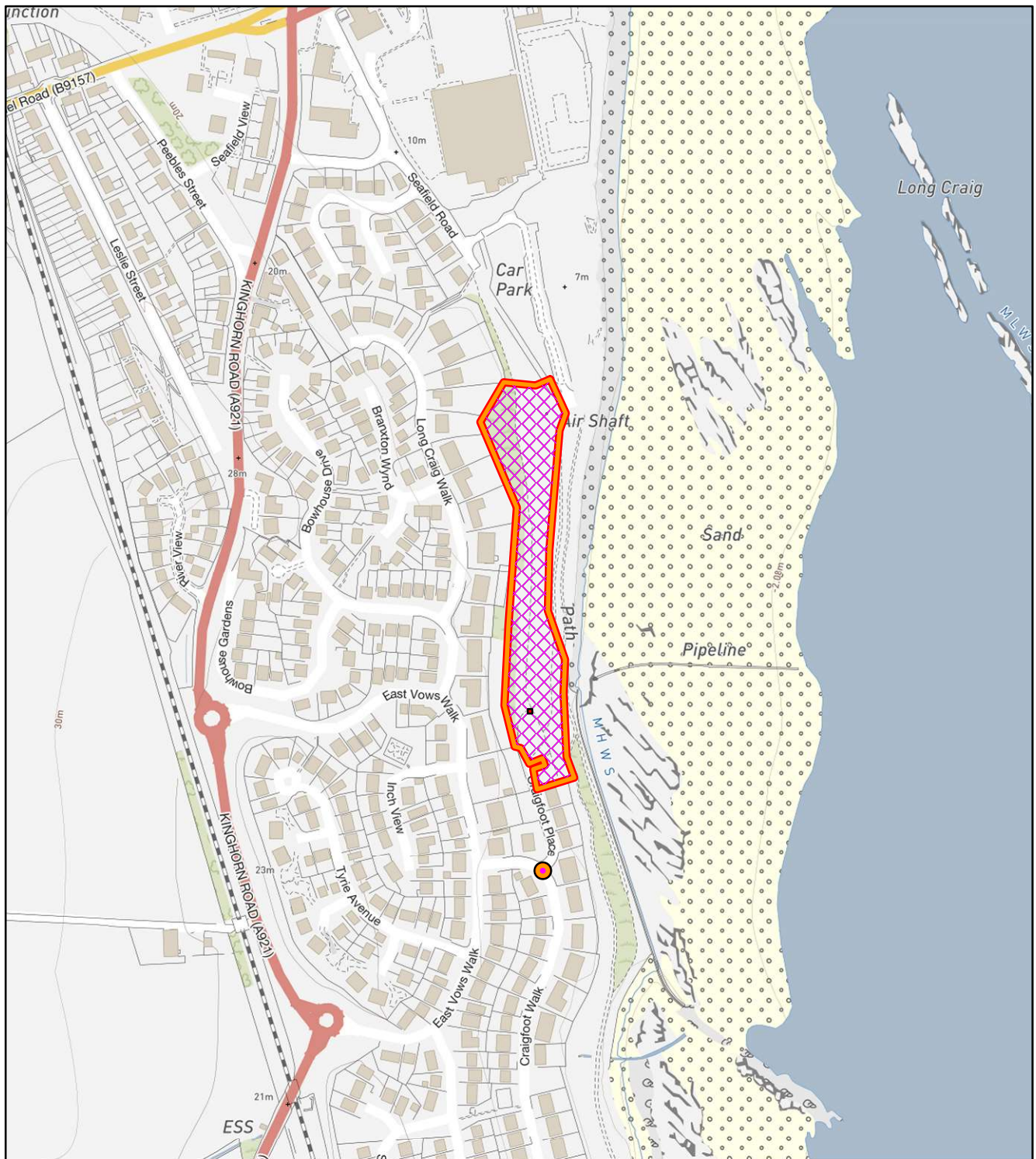
Fife Council Planning Application 21/00286/FULL

DPEA Appeal Reference PPA-250-2378

Report prepared by Chris Smith (Lead Officer and Chartered Town Planner)

Date Printed 01/07/2022

## Former Seafield Colliery Site Seafield Court Kirkcaldy

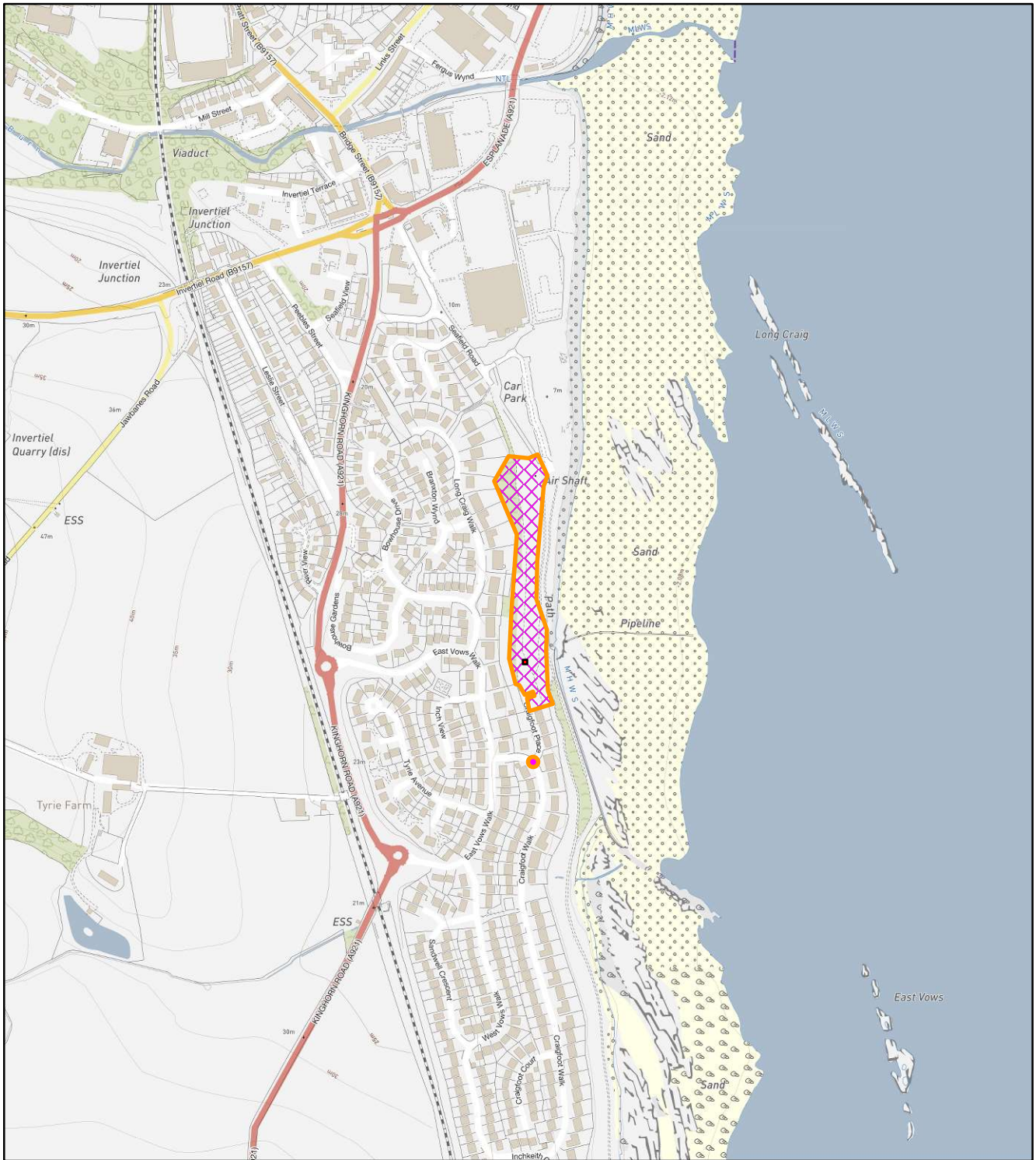


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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	



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<b>Legend</b>			
	<b>Application Boundary</b>		