

## West and Central Planning Committee

Please note that this meeting will be held remotely.



Wednesday, 16th November, 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 meeting of West and Central Planning Committee of 19<sup>th</sup> October, 2022. 3 - 6
- 4. 22/01040/FULL - KATHELLAN HOME FARM, KELTY** 7 - 23
- Roadside services development comprising of erection of a petrol filling station and associated retail kiosk (Class 1), jet washes, restaurant with drive thru facility (Class 3), site access arrangements, parking provision, electric vehicle charging points, landscaping and ancillary works.
- 5. 22/00222/FULL - LAND AT ASTRO SOCCER, VIEWFIELD, GLENROTHES** 24 - 45
- Erection of 58 affordable housing units including associated access, landscaping, infrastructure and formation of hardstanding.
- 6. 22/01125/FULL - FREESCALE SITE, DUNLIN DRIVE, DUNFERMLINE** 46 - 64
- Provision of an active travel link between greenshanks drive and the Dunfermline Learning Campus.
- 7. 22/01748/FULL - UNIT 1, CROSSHILL BUSINESS CENTRE, MAIN STREET, CROSSHILL** 65 - 73
- Change of use of part of training/business land (Sui Generis) to land for siting of self-storage containers (Class 6), erection of fencing and associated development.
- 8. 21/03397/PPP - LAND 900M WEST OF SHEARDRUM, BALGONAR, SALINE** 74 - 84
- Planning permission in principle for erection of dwellinghouse (Class 9) and associated development.
- 9. 21/03396/PPP - LAND 100M WEST OF MEADOW VIEW, HILLEND, SALINE** 85 - 95

Planning permission in principle for erection of dwellinghouse (Class 9) and associated development.

**10. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**

List of applications dealt with under delegated powers for the period  
3rd October to 30th October, 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.**

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

Fife House  
North Street  
Glenrothes  
Fife, KY7 5LT

9 November, 2022

If telephoning, please ask for:  
Emma Whyte, Committee Officer, Fife House 06 ( Main Building )  
Telephone: 03451 555555, ext. 442303; email: Emma.Whyte@fife.gov.uk

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

19th October, 2022

2.00 p.m. – 4.20 p.m.

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

**ATTENDING:** Mary Stewart, Service Manager - Major Business & Customer Service, Martin McGroarty, Lead Professional and Jamie Penman, Planner, Planning Services; Christopher Glendinning, Solicitor and Emma Whyte, Committee Officer, Legal and Democratic Services.

**40. DECLARATIONS OF INTERESTS**

Councillor Beare declared an interest in Para. 43 – 21/00287/EIA – Lomond Quarry, Falkland Hills Road, Leslie – as he was a local ward member appointed to the Lomond Quarry Liaison Committee, however, having applied the objective test, he advised he would remain in the meeting during consideration of this item.

**41. MINUTE**

The Committee considered the minute of the meeting of West and Central Planning Committee of 21st September, 2022.

**Decision**

The Committee agreed to approve the minute.

**42. CHANGE OF MEMBERSHIP**

The Committee were asked to note that Councillor James Leslie had replaced Councillor Conner Young as a member of the West and Central Planning Committee.

**Decision**

The Committee noted the change of membership.

**43. 21/00287/EIA - LOMOND QUARRY, FALKLAND HILLS ROAD, LESLIE**

The Committee considered a report by the Head of Planning Services relating to an application for extension to existing quarry, incorporating associated works, plant renewal and demolition; updated restoration plan; revised method of working existing quarry; and 8 year extension of currently approved mineral extraction timescale.

**Decision/**

**Decision**

The Committee agreed to approve the application subject to:-

- (1) the conclusion of legal agreements relating to:-
  - the funding and administration arrangements for a scheme of local community benefits;
  - the funding and arrangements for the provision of a compliance assessor;
  - the operation of the Lomond Quarry Liaison Committee;
  - the funding and arrangements for repairs to local roads which are required as a result of the impact of the quarry traffic on those roads; and
- (2) the thirty-three conditions and for the reasons detailed in the report.

*Councillor McLelland joined the meeting during consideration of the above item.*

**44. 22/00966/FULL - COUNCIL PARKS DEPOT, LEYS PARK ROAD, DUNFERMLINE**

The Committee considered a report by the Head of Planning Services relating to an application for the erection of 15 affordable dwellinghouses (Class 9) and 30 flatted dwellings (extra care) (Class 8) with associated access, landscaping and infrastructure.

**Motion**

Councillor Barratt, seconded by Councillor Beare, moved that the application be approved subject to:-

- (1) the fourteen conditions and for the reasons detailed in the report;
- (2) removal of a duplicate condition (13); and
- (3) the addition of the following condition:-

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

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

**Amendment/**

**Amendment**

Councillor Pryde, seconded by Councillor MacDougall, moved that the application be deferred until such time as Housing Services could provide a report on the required parking levels for the extra care housing element of the development.

**Roll Call**

**For the Motion** – 7 votes

Councillors David Alexander, Lesley Backhouse, David Barratt, John Beare, Derek Glen, Lea McLelland and Sam Steele.

**For the Amendment** – 6 votes

Councillors James Calder, Dave Dempsey, James Leslie, Julie MacDougall, Gordon Pryde and Andrew Verrecchia.

Having received a majority of votes the motion was carried.

**Decision**

The Committee agreed to approve the application subject to:-

- (1) the fourteen conditions and for the reasons detailed in the report;
- (2) removal of a duplicate condition (13); and
- (3) the addition of the following condition:-

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

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

*The meeting adjourned at 3.50 p.m. and reconvened at 4.00 p.m.*

**45. 21/01770/FULL - LAND ADJACENT TO FERRY CRAIGS HOUSE, FERRY ROAD, NORTH QUEENSFERRY**

The Committee considered a report by the Head of Planning Services relating to an application for the erection of holiday accommodation (Sui Generis).

**Decision/**

**Decision**

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

**46. 22/02040/FULL - GARANWOODS NEAR LOTHRIE, STRATHENRY AVENUE, STRATHENRY**

The Committee considered a report by the Head of Planning Services relating to an application for change of use from woodland to hutting site (1 hut).

**Decision**

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

**47. LEGISLATIVE REQUIREMENT TO LIMIT THE DURATION OF PLANNING PERMISSION BY APPLYING TIME CONDITIONS**

The Committee considered a report by the Head of Planning Services providing an update in respect of a change to planning legislation which came into effect on 1st October, 2022 and advising of the need to implement the requirements of the legislation in respect of the applications which the Committee had already indicated it was minded to grant where that decision had not yet been issued.

**Decision**

The Committee agreed that, in respect of the applications listed in Appendix 1 of the report, the additional conditions required to limit the life of the planning permission (also noted in Appendix 1 of the report) be added to those decisions.

**48. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**

**Decision**

The Committee noted the lists of applications dealt with under delegated powers for the period 8th August to 4th September, 2022; and 5th September to 2nd October, 2022.

**ITEM NO: 4**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01040/FULL**

**SITE ADDRESS: KATHELLAN HOME FARM KELTY**

**PROPOSAL : ROADSIDE SERVICES DEVELOPMENT COMPRISING OF  
ERECTION OF A PETROL FILLING STATION AND  
ASSOCIATED RETAIL KIOSK (CLASS 1), JET WASHES,  
RESTAURANT WITH DRIVE THRU FACILITY (CLASS 3), SITE  
ACCESS ARRANGEMENTS, PARKING PROVISION, ELECTRIC  
VEHICLE CHARGING POINTS, LANDSCAPING AND  
ANCILLARY WORKS.**

**APPLICANT: IAN MACLELLAN  
KATHELLAN HOME FARM KELTY**

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

**CASE OFFICER: Jamie Penman**

**DATE 14/04/2022  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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

## CONSIDERATIONS

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

The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan which provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 sets out themes around sustainability, productivity, liveability, and distinctive places. It is underpinned by six spatial principles.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them will cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

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

### 1.0 BACKGROUND

1.1 This application relates to an area of land which measures approximately 1.2ha and is located 0.7 miles to the west of the centre of Kelty. The site is located directly to the west of the M90 motorway, approximately 100m from the northbound off-ramp. The site is located within the countryside, however, within the wider area and within the applicant's ownership, there is an existing commercial enterprise (cafe/farm shop) which has been vacant for some time. The application site covers the northern half of the wider site. The western part of the site is currently hardstanding with sporadic tree planting and is used as a car park for the commercial enterprise to the south. The remaining half located to the east as is currently closely mown grass and would appear to be greenfield land. The site has an existing access on the adopted road network (B914). The closest dwelling to the site is located approximately 100m to the south with another located approximately 250m to the north west. The application site is not located within a known flood risk area however it is located within a Coal Authority High Risk Area.

### 1.2 PROPOSAL

1.2.1 The application proposal is for planning permission for the erection of a petrol filling station (Sui Generis) with associated retail kiosk (Class 1). A fast-food restaurant with drive-thru (Class



3) is also proposed. The petrol station would be located on the western part of the site and include 10 pumps, a retail kiosk, a canopy and parking areas. Electric vehicle charging points and a jet wash facility would also be provided. The retail kiosk would have a simple form with a floor area of 500sqm and a maximum height of 5.3m. Finishing materials would include grey composite cladding panels and the building would have a largely glazed principal elevation. The proposed canopy would cover an area of 290sqm, have a maximum finishing height of 9m and be finished with profiled aluminium and would also include led lighting and advertisements. The fast-food restaurant building would be located towards the eastern side of the site, separated from the petrol station by a car parking area. A drive-thru lane would route around the northern and eastern boundary of the site and would exit along the southern boundary. The restaurant building itself would be single storey with a floor area of 400sqm and have a finishing height of 6m. It would be finished with grey and stone coloured cladding panels with areas of timber effect cladding.

### 1.3 PLANNING HISTORY

- 20/03289/FULL Roadside service development including erection of petrol station and associated retail building, drive-thru restaurant, formation of site access and parking, landscaping and ancillary works - Application Withdrawn.
- 07/03466/WOPP Outline planning application for the erection of a 50 bedroom hotel and conference centre, 5 tourism retail units, a micro-brewery, children's outdoor and indoor play areas and holiday chalets, all with associated coach and car parking and hard and soft landscaping - Application Approved December 2009.
- 01/02315/WFULL Extension to the premises to provide additional retail sales space with associated alterations to the access road, additional car parking and landscaping - Application Approved August 2003.

### 1.4 APPLICATION PROCEDURE

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

- Google imagery (including Google satellite imagery); and
- GIS mapping software

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

### 2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Sustainable Travel and Road Safety
- Land and Air Quality
- Flooding/Drainage
- Low Carbon Fife

### 2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 Scottish Planning Policy (SPP) applies and introduces a presumption in favour of development that contributes to sustainable development. SPP states that the planning system should support economically, environmentally, and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term and that the aim is to achieve the right development in the right place, and it is not to allow development at any cost. SPP states that decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including
- supporting town centre and regeneration priorities; and
- supporting delivery of accessible housing, business, retailing and leisure development.

2.2.2 FIFEplan (2017) Policy 1 Development Principles applies and states that development proposals will be supported if they conform to relevant development plan policies and proposals and address their individual and cumulative impacts. Part A of Policy 1 states that the principle of development will be supported if it is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan. Given the application site is not located within a settlement boundary, FIFEplan (2017) Policy 7: Development in the Countryside applies and states that development in the countryside will only be supported where it:

1. is required for agricultural, horticultural, woodland, or forestry operations;
2. will diversify or add to the above land-based businesses to bring economic support to the existing business;
3. is for the extension of established businesses;
4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements;
5. is for facilities for access to the countryside;
6. is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or
7. is for housing in line with Policy 8 (Houses in the Countryside).

Policy 7 also states that in all cases, development must:

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

2.2.3 FIFEplan (2017) Policy 6 Town Centres First also applies and states that town centres will be the first choice for uses likely to attract a large number of people including retail, offices, leisure, entertainment, recreation, cultural, and community facilities. Homes and businesses are also encouraged in town centres to add to the mix of uses and activity throughout the day and evening. Guidance notes for Policy 6 also sets out the requirement for a sequential approach to the site selection process. It states that when planning for uses which generate significant footfall, the sequential approach will take into account retail market area level rather than individual town level using the information. This means that if a development cannot be located in a particular town centre or edge of centre location, the next nearest town centre and edge of

centre areas must be considered before out of centre locations. To be acceptable, development will require to be clearly justified against the requirements of the sequential approach. Exceptions may be made where new development cannot be physically accommodated in a defined centre (town, local or commercial) or has specific locational requirements.

2.2.4 Concerns have been raised in submitted objection representations that this type of development should not be allowed in the countryside and cite the impact that it would have on the character of the surrounding area. Supporting representations were submitted citing that there is a need for this type of development close to the motorway network and close to the settlement of Kelty. Support comments also raise the economic benefits that the proposal may realise in terms of additional spend within the local economy and the number of jobs which the development would create.

2.2.5 A Supporting Statement has been submitted with the application which gives an overview of the application proposal, background information on the site and an overview of the policy position. The Supporting Statement advises that with regard to Policy 7, given there is an existing commercial property located within the site (currently vacant), the proposal would satisfy Policy 7 given that it would represent an extension to the existing business. The Supporting Statement recognises that the existing commercial property on the site has been vacant since 2018 and that the proposed development may increase footfall within the site and in turn, regenerate the existing business on the site. It states that the inability to attract an operator for the site over the previous four years is evidence that diversification or supplementation of the services and facilities on offer are necessary to bring in back into economic use. In this regard, the Supporting Statement argues that the proposal would represent an enabling development which would revitalise the site and return jobs and economic activity to the area.

2.2.6 The Supporting Statement also considers the economic benefit that the proposal may realise. It states that the facility closed in 2018, and with its closure a number of local employment opportunities were lost as well as the commercial offer the property, and associated contribution to the local economy. Since then, the property has been actively marketed as a development proposal. To date, there has been no market interest in the development of the site as a whole. In this regard, the Supporting Statement considers that the proposed roadside development on part of the site could be a catalyst to enable the wider redevelopment of this vacant site and that the roadside services development will re-establish footfall to the area and encourage passing trade into the site. The Statement notes that 72 full time equivalent jobs would be created (62 = drive thru restaurant + 10 = petrol filling station). It also suggests that approximately £1.5million would be added into the local economy as a result of the development.

2.2.7 A Sequential Assessment has been undertaken and considers that this site is appropriate for the proposed development, owing to its scale, its operational needs, location, and planning history. The Sequential Assessment confirms the site to be an "out of centre" development. It notes that the site measures approximately 11,400sqm and that key requirements of any alternative must include the ability to accommodate and petrol filling station, drive thru restaurant, car parking, safe manoeuvring of vehicles, can operate 24 hours per day without impacting on residential amenity and the site must be prominent to be able to attract passing trade. The report notes that an assessment of the wider West Fife Retail Catchment Area has not been undertaken given the development is required to be in the proposed location. The assessment has considered sites within the Kelty Local Shopping Centre and other edge of centre sites. It concludes that there are no sites available within the Kelty Local Shopping Centre. In terms of edge of centre sites, a total of 3 sites were identified, however, due to

reasons of size, location and residential amenity, these were discounted. Finally, the assessment considers out of centre sites. The only site identified was the Kelty South West Strategic Development Site. The assessment also discounts this site as it notes that a Planning Permission in Principle (PPP) consent was recently agreed (subject to legal agreement) but did not include any provision of land which included the proposed land uses. The assessment also contends that given this site would be considered an out of centre site, it has no sequential preference or priority when compared to the application site as it is also considered to be an out of centre site.

2.2.8 Fife Council's Local Plan Policy Team was consulted on this proposal and have noted that whilst they agree with the findings of the Sequential Assessment and the proposal would therefore comply with FIFEplan Policy 6. However, the proposal would not comply with FIFEplan Policy 7 as it does not have a proven need for a countryside location.

2.2.9 Policy 7 is in the Local Development Plan to protect the countryside from unplanned development. Whilst it is recognised that there are activities which require a countryside location or which are important contributors to the diversification of farms into new enterprises in order to survive as viable businesses, the case presented by the applicant does not meet the requirements of Policy 7. The applicant notes that the development would be an extension to an established business, however, the development would be a completely new business and not relate to the existing business which is on site in any meaningful way. The applicant also contends that the proposal would realise the re-development of the wider vacant site and potentially return the existing commercial part of the site back into a viable use. Whilst this may be the case, Policy 7 does not allow for such large-scale proposals for purposes of improving the viability of existing businesses but instead, includes some scope for minor diversification activities. The redevelopment of the vacant commercial premises could be realised through a more modest, related activity and not one that sees a new petrol station and drive thru restaurant established in an unallocated, countryside location.

2.2.10 With regard to the application proposal's location, it is accepted that the site is a logical location to attract passing trade from the adjacent motorway network. The applicant contends that the proposal has a proven need for a countryside location and is therefore in compliance with Policy 7. However, in order to meet the "proven need for a countryside location" test, the applicant would be required to demonstrate that there is a shortfall of such services along the M90 corridor and that there is a real strategic need for the development, however, no such evidence has been submitted. This was raised with the applicant who advised that the UK Government Department for Transport (DfT) recognises the motorist's need for rest, refreshment, and other human needs, and has promoted the concept of service areas as a means to fulfil these. The applicant's justification continues by noting that the aim of the DfT in recent times has been to deliver services not less than 30 minutes driving time apart, equating in the latest guidance to 28 miles but the applicant does note that this is not an absolute and if there is sufficient need due to traffic volumes and congestion, more frequent service provision can be supported. The applicant notes that the nearest service area to the site is Kinross Services to the north and that the nearest service area along the M90 to the south that has a comparable offer to Kinross Services are the facilities at Ratho Services which are 22.5 miles apart. The applicant contends that no other facilities in between have been identified that fulfil the "primary function of roadside facilities" as set out above they therefore consider that there is a need for this development, and that there is perhaps an under-supply along the M90, given the volume of traffic that uses this route and its strategic significance as part of Scotland's motorway network. Whilst this largely qualitative justification has been noted, no detailed supporting evidence has been submitted to support the claims being made. Indeed, the existing distance

between Ratho and Kinross Services of 22.5 miles, would appear to meet the DfT's guidance to having service stations separated by 28 miles/30 minutes driving time. It is therefore considered that the development does not have a proven need for a countryside location.

2.2.11 In addition to the above, whilst the findings of the applicant's site selection analysis are noted, it is considered that a meaningful dialogue with the owners of the Kelty South West site has not been undertaken. This site was discounted largely due to the fact that the site is not within the applicant's ownership, nor has the recent consent included space within the site for the land use which is being proposed. It has also been suggested that the proposal may cause unacceptable residential amenity impacts on neighbouring land uses within this alternative site. However, no evidence of a dialogue has been submitted, nor have any specialist studies been undertaken to establish the applicant's residential amenity impact claims. It is therefore considered that due to a lack of information being provided to the contrary, the proposal could be accommodated with the settlement boundary of Kelty.

2.2.12 Whilst the economic benefits of the proposal are noted, these do not outweigh the concerns relation to the unjustified development within the countryside. The proposal would have a detrimental impact on the general appearance of the undeveloped character of the countryside and supporting this type of development may establish justification for similar forms of development on other sites within the countryside. Whilst the previous consents granted for this site have been reviewed as a material consideration, given that they have now expired and the relevant local plan policies have been superseded by FIFEplan (2017), they hold no material weight in the assessment of this application.

2.2.13 In light of the above, given the application proposal would not constitute an extension to an established business or has it presented a proven need to be in the proposed location, the proposal is not in accordance with the Local Development Plan given that it is contrary to FIFEplan (2017) Policies 1, 7, Making Fife's Places (2018) and Scottish Planning Policy (2014).

## 2.3 DESIGN AND 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 Concerns have been raised in submitted objection representations with regard to the negative visual impact the development may have on the surrounding area. Support representations have also been submitted noting that the development has been well designed and would have no detrimental impact on the surrounding area.

2.3.3 Whilst the application proposal would be viewed within the context of the neighbouring commercial development and the adjacent motorway network, the application site is located out with the settlement boundary and would be visible from within the wider countryside environment. The proposed petrol station would be located on the western part of the site and

include 10 pumps, a retail kiosk, a canopy and parking areas. Electric vehicle charging points and a jet wash facility would also be provided. The retail kiosk would have a simple form with a floor area of 500sqm and a maximum height of 5.3m. Finishing materials would include grey composite cladding panels and the building would have a largely glazed principal elevation. The proposed canopy would cover an area of 290sqm, have a maximum finishing height of 9m and be finished with profiled aluminium and would also include led lighting and advertisements. The proposed fast-food restaurant building would be located towards the eastern side of the site, separated from the petrol station by a car parking area. A drive-thru lane would route around the northern and eastern boundary of the site and would exit along the southern boundary. The restaurant building itself would be single storey with a floor area of 400sqm and have a finishing height of 6m. It would be finished with grey and stone coloured cladding panels with areas of timber effect cladding.

2.3.4 The proposal would read as a generic roadside commercial development which in an appropriate location would not raise any significant visual impact concerns. However, as detailed in Section 2.2 of this report, the aim of FIFEplan (2017) Policy 7 is to ensure that the countryside is protected from unplanned development. The protection and enhancement of the built and natural qualities of the countryside are important considerations and these attributes must be maintained and enhanced wherever possible. In light of this, given that the proposal has not justified a proven need for its countryside location, the development would represent an unjustified and unplanned development in the countryside and would therefore have a significant detrimental negative impact on the undeveloped character of the countryside.

2.3.5 The proposal would therefore not be in accordance with the Local Development Plan given that it would be contrary to FIFEplan (2017) Policies 1, 7, 10, 14, Making Fife's Places (2018) and Scottish Planning Policy (2014).

## 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. Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings, Daylight/Sunlight and Garden Ground also apply.

2.4.2 Concerns have been raised in submitted objection representations which note that the development will cause noise, light and odour pollution impacts. The closest dwelling to the site is located approximately 100m to the south with another located approximately 250m to the north west. The proposal would not be expected to generate any significant noise levels, other than increase vehicle traffic to/from the site, however, no significant residential amenity concerns would be raised in this regard. A preliminary Noise Impact Investigation has been submitted with the application which concludes that the development is unlikely to result in high noise levels in the surrounding area.

2.4.3 There may be scope for odour impacts to arise from either element of the proposal, however, given the proximity of the nearest neighbouring dwellings, no significant concerns would be raised. Furthermore, no significant concerns would be raised with regard to light

pollution impacts. Whilst the development could give rise to increased litter levels in the surrounding area, bins will be provided within the site providing reasonable mitigation to reduce litter from the site.

2.4.4 Fife Council's Environmental Health Team has been consulted on the application and has raised no concerns. In light of the above the proposal would not raise any significantly detrimental residential amenity concerns. The proposal would be compatible with FIFEplan (2017) Policies 1, 10, Making Fife's Places Supplementary Planning Guidance (2018) and Scottish Planning Policy (2014).

## 2.5 SUSTAINABLE TRAVEL AND ROAD SAFETY

2.5.1 FIFEplan (2017) Policies 1, 3 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. Scottish Planning Policy (2014) also applies and states that the planning system should support developments that optimise the use of existing infrastructure and provide safe and convenient opportunities for walking and cycling for both active travel and recreation.

2.5.2 Concerns have been raised in submitted objection representations noting that the development would have an unacceptable road safety impact both with regard to vehicle and pedestrian movements. Concerns also note that the site is not located within a sustainable location. Support representations note that the development would have no road safety impacts and that the site is within walking distance of Kelty.

2.5.3 The application site sits to the south of the B914 and there is an existing access into the site. A narrow footpath is available to the north side of the B914 which provides a footpath link into Kelty. There is no safe pedestrian crossing infrastructure over the M90 slip roads. The proposal would provide off-street parking within the site and would also provide electric vehicle charging points as part of the proposal.

2.5.4 A Transport Assessment (TA) has been undertaken by the applicant which considers walking and cycling routes within the vicinity of the application site and concludes that the existing provision is generally good around the application site. The TA considers road improvement works and that an uncontrolled crossing of the B914 will be provided with dropped kerbs and a splitter island within the ghost-island hatching. The TA also proposes that a 40mph speed limit be introduced along the B914 between a point west of the existing site access and to the M90 interchange and possibly as far as the 30 mph on the A909 Cocklaw Street. The TA also states that due to the type of land uses proposed, staff or customers arriving or leaving by foot or cycle are likely to be extremely low, and whilst other similar fast food outlets tend to attract lunchtime customers by foot from school children, as there are no secondary schools in Kelty then this demand will not exist. The TA also notes that it is difficult to quantify the anticipated pedestrian demand generated between the site and Kelty to the east that will require

to cross the existing M90 slip roads as both land uses are unlikely to generate any significant level of pedestrians, particularly to the PFS. The TA concludes by stating that the application site and proposal is compliant with national and local policies in that it relates well to the existing sustainable transportation network. It also states that traffic generation associated with the development can be facilitated through simple improvements to the existing road network.

2.5.5 Fife Council's Transportation Development Team (TDM) has been consulted to review the submitted TA and the proposal more generally. TDM have noted that a significant proportion of the settlement boundary of Kelty is within a 1,600 metre walk distance of the site and that all of Kelty is within an acceptable cycle distance of the site. TDM note that the existing footway on the north side of the B914 between Kelty and Keltyhill Wood is a popular recreational walking route for Kelty residents however the vehicle restraint barriers in the footways on the Junction 4 bridge reduce the effective width of the footways to <1m. TDM also note that the existing footway provision is not ideal but is all that has been available for many years and that there is no safe crossing facility of the derestricted B914 on the frontage of the application site. TDM acknowledge that there is no high school in Kelty but do state school age children and pedestrians would be attracted to the proposed drive thru out with school hours and acknowledge that whilst the petrol station would not generate significant pedestrian trips, but TDM do not agree that it would be difficult to quantify the pedestrian trips generated by the drive thru. TDM raise concerns that no consideration has been given to the potential increase in walking and cycling trips between Kelty and the application site and that no assessment has been given to what, if any, mitigation measures would be required to address the substandard footway width on the Junction 4 bridge and crossing facilities on the on and off slip roads. TDM also state that no mitigation measures are proposed to ensure safe pedestrian and cyclist movement along the south side of the B914/A909. TDM do recognise that the vehicle restraint barrier on the Junction 4 bridge is a constraint to safe pedestrian movement, however, they do note that if no mitigation measures are proposed, it would result in pedestrians walking on the derestricted carriageway to the detriment of pedestrian safety, which would not be acceptable. TDM have reviewed the proposed crossing works and have noted that the proposed measure is a pedestrian refuge offering minimum protection for pedestrians crossing the B914. TDM have also consulted with the Traffic Management Team who have confirmed that a physical island in the middle of the derestricted, unilluminated B914 would be dangerous for pedestrians, particularly those waiting on the refuge during darkness as vehicles pass at 60mph. Traffic management also note that the physical island would also be a danger for vehicles on the B914 with a high likelihood of it being struck by an eastbound vehicle passing an eastbound vehicle which is slowing to turn left to the M90 northbound slip lane. TDM consider that the proposed pedestrian refuge is not acceptable.

2.5.6 TDM have considered the other road layout proposals which include the provision of a ghost-island right-turning lane and have raised concerns with the accuracy of the drawings and question if the land required for the proposed measures are within the applicant's control. An amended drawing was subsequently submitted showing that the proposed road widening can be provided within the adopted road network, however, TDM have noted that in order for it to be accommodated, a departure from standards is required. TDM note that the deceleration length has been reduced from the standard of 110m to only 20m and the taper length has been reduced from 30m to 10. The applicant was advised to submit a robust justification for the departure from the standards, however, the response from the applicant noted that the reduction was due to it being the best that could be achieved within the adopted road boundary/land within their control. TDM do not consider this to be an acceptable justification and note that most of the deceleration for vehicles would happen in the eastbound lane and not within the right-turn lane. For this layout to function as intended, vehicles would have to decelerate from 60mph to 0mph



within 20m, which is not possible. TDM have also addressed the applicant's suggestion of lowering the speed limit of the B914 and state that Fife Council's Traffic Management Team has confirmed that it would not be competent or acceptable to promote a reduction in a speed limit in a location slightly remote from the existing settlement boundary, simply to assist a development. They do note however, that as part of the Kelty South West development a 30mph limit would be relocated to the west of the Cocklaw Street vehicular access with a 40 mph speed limit being introduced on the A909/B914 from the relocated 30mph limit to a point west of the Blairadam Forest vehicular access, however, there is no confirmed timescale for a speed limit reduction to be promoted and that the speed limits would not be relocated to facilitate the proposed roadside services in isolation.

2.5.7 TDM have raised no significant concerns regarding the proposal impact on the capacity of the surrounding road network as a result of increased vehicular trips to/from the development. Nor have any significant concerns been raised with regard to visibility splays which are available at the junction of the application site with the B914 or with regard to the parking levels being provided within the site.

2.5.8 TDM conclude their consultation response by advising that they have significant concerns with the proposed development and its supporting TA. TDM state that the lack of any deliverable mitigation measures to ensure a safe walking and cycling routes between the site and Kelty either via crossing the B914 and the north facing M90 slip roads or via crossing the south facing M90 slip roads is not acceptable. Furthermore, TDM note that whilst the provision of safe crossing facilities would not appear to be deliverable given the constraints of the existing M90 Interchange, any potential solution would be likely to adversely affect the capacity of the northbound off-slip in the PM peak. TDM also note that no evidence has been submitted to show that the applicant can provide an acceptable ghost-island right turning lane within the existing public road boundary and/or on land within the applicant's control. TDM therefore object to the proposed development in interest of road and pedestrian safety.

2.5.9 Transport Scotland have also been consulted on the proposal given the application site's proximity to the trunk road network. A meeting was held with Transport Scotland where the proposal was discussed and whilst Transport Scotland raise no significant general concerns, they did note that a safe pedestrian cross the slip roads of the M90 motorway had potential to impact on the operation capacity of the trunk road. Whilst Transport Scotland did not object to the proposal, they did request that if it was to be approved contrary to the recommendation of Fife Council's Transport Officers, a condition be added to the consent requiring full details of any pedestrian crossing facilities across the M90 slip roads, to be agreed with Fife Council, in consultation with Transport Scotland, before any works commence on site.

2.5.10 In light of the above, the proposal raises significant concerns with regard to its road safety and sustainable travel impact. It has not been fully demonstrated that land required to implement road safety improvement measures are within the applicant's control, nor is the speed limit reduction solely achievable by this development. The applicant has also failed to demonstrate that a safe pedestrian link can be provided into to/from Kelty, but also that if one were to be provided, that it would have no significant impact on the operation of the M90 motorway. The proposal does therefore not comply with the Local Development Plan given that it would be contrary to FIFEplan (2017) Policies 1, 3, Making Fife's Places (2018) (Appendix G) and Scottish Planning Policy (2014).

## 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 land and air pollution. Policy 10 also aims to ensure the safe development of potentially unstable land. Fife Council's Air Quality in Fife - Advice for Developers guidance notes and Planning Advice Note 33: Development of contaminated land also apply.

2.6.2 Concerns have been raised in submitted objection representations which note that the development would have an impact on air quality in the surrounding area.

2.6.3 Fife Council's Land & Air Quality Team has been consulted on this application and have advised that an Air Quality Impact Assessment is required and that it should be added as a condition to any consent granted. Whilst the comments from the Land & Air Quality Team are noted, given the nature of the development it is considered that this assessment should be submitted prior to determination. This was requested from the applicant however it was not submitted. An initial Air Quality Impact Screening Assessment has been undertaken which suggests that a Simple Air Quality Impact Assessment should be undertaken before any development commences on site.

2.6.4 Fife Council's Land & Air Quality Team also noted that a site-specific contaminated land investigation is required to ensure the site is developed safely. Whilst this was not submitted by the applicant, this could be added to any consent which may be granted.

2.6.5 The application site is located within a Coal Authority High Risk Area. A Coal Mining Risk Assessment has been submitted and reviewed by the Coal Authority. The Coal Authority returned no objections to the development, subject to a condition which requires further site investigations to be undertaken and approved by Fife Council, in conjunction with the Coal Authority, before any development commences on site.

2.6.6 Whilst the application proposal would raise no significant land quality concerns, sufficient information has not been submitted to demonstrate the proposal's impact on air quality in the surrounding area. The proposal is therefore contrary to FIFEplan (2017) Policies 1, 10 and Making Fife's Places (2018).

## 2.7 FLOODING AND DRAINAGE

2.7.1 FIFEplan (2017) Policies 1, 3, 12 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 and 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 The application site is not located within a known area of flood risk. In terms of surface water drainage, it is proposed that run-off would be directed to a soak-away. Fife Council's Structural Services Team was consulted on the proposal and raised no concerns.

2.7.3 Scottish Water has also been consulted and whilst they raised no objections, they did note that there is no Scottish Water wastewater infrastructure within the vicinity of the site and that the applicant would have to consider their own private treatment options. This was highlighted in the applicant's drainage strategy report which details that foul drainage would be directed to a private package treatment system, however, it is acknowledged that this would need to achieve a Controlled Activities Approval from the Scottish Environment Protection Agency (SEPA). SEPA was consulted on this proposal and advised that whilst they have no objections to the proposed development, they do have concerns with the wastewater treatment in that they may not be approvable through the Controlled Activities Regulations. They also note that a development of this size would be expected to connect to the public sewer network. Whilst the concerns of SEPA are noted they do not object to the proposal. If the application were to be approved, a condition requiring proof of a successful CAR license to be submitted to Fife Council, before any development commenced on site, would be added.

2.7.4 Whilst the concerns of SEPA are noted, it is considered that the proposal is capable of complying with FIFEplan (2017) Policies 1, 3, 12 and Making Fife's Places Supplementary Planning Guidance subject to conditions.

## 2.8 Low Carbon Fife

2.8.1 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.

2.8.2 Support representations note that the development will be providing electric vehicle charging points which would have a positive impact on carbon emissions. A Sustainability Statement been submitted with this application which details the low carbon measures that have been considered and that will be taken forward as part of the development. It is noted that the development will be equipped with solar panels.

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

## CONSULTATIONS

Policy And Place Team (West Fife Area)	Proposal fails to comply with FIFEplan (2017) Policy 7.
Business And Employability	No response.
TDM, Planning Services	Objects to the proposal on road and pedestrian safety grounds.
Scottish Environment Protection Agency	No objections however concerns raised regarding CAR process.
Scottish Water	No objections, however, it is noted that no public sewer existing within the vicinity of the

Environmental Health (Public Protection)	site.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Land And Air Quality, Protective Services	No comments.
	Air Quality Impact Assessment and Site Specific Contaminated Land Investigation required.
The Coal Authority	No objections subject to conditions.
Transport Scotland	No objections subject to conditions.

## REPRESENTATIONS

1 general comment, 22 objections and 74 support comments have been received.

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

- the proposed location would be dangerous for pedestrians to access; addressed in Section 2.5
- the proposal would lead to increased litter in the surrounding area; addressed in Section 2.4
- the proposal would have significant road safety impacts on the local road network; addressed in Section 2.5
- the proposal would have a negative impact on air pollution and light pollution; addressed in Section 2.4 & 2.6
- the proposal would have a negative visual impact on the countryside; addressed in Section 2.3
- negative visual impact on ancient woodland; addressed in Section 2.3
- the proposal does not comply with the Sequential Assessment; addressed in Section 2.2
- the application site is in an unsustainable location; addressed in Section 2.5
- the application does not demonstrate a need to be in this location; addressed in Section 2.2
- the proposal would have an unacceptable noise impact on surrounding residents; addressed in Section 2.4.

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

- no need for another McDonald's within the area; and
- the potential increase anti-social behaviour.

Support comments include:

- economic benefits through more investment and jobs to the area; addressed in Section 2.2
- proposal includes electric vehicle charging points and will reduce carbon emissions; addressed in Section 2.8
- proposal would have minimal road safety impacts; addressed in Section 2.5
- Kelty needs this type of development; addressed in Section 2.2
- the need for this type of development on the motorway network; addressed in Section 2.2
- the site already has a commercial background addressed in Section 2.2
- the proposal is of good quality design; addressed in Section 2.3
- the proposal is accessible by walking from Kelty; addressed in Section 2.5
- the proposal would have tourism benefits; addressed in Section 2.2.

## CONCLUSIONS

The application proposal for a petrol filling station and drive thru restaurant has failed to demonstrate a proven need for a countryside location. Whilst the desire for it to be located next to the M90 motorway network is accepted, insufficient information has been submitted to support a strategic need for such a development and thereby justify its countryside location. Significant concerns are also raised with regard to both road and pedestrian safety. The application is therefore unacceptable and therefore contrary to FIFEplan (2017) Policies 1, 3, 6, 7, 10, 14, Making Fife's Places Supplementary Planning Guidance (2018) and Scottish Planning Policy (2014).

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

## RECOMMENDATION

The application be refused for the following reason(s)

1. The application proposal has failed to demonstrate a proven need for a countryside location and would therefore represent an unjustified development within the countryside, thereby having a significant detrimental impact on the character of the countryside. The application proposal is therefore unacceptable in principle and as such would be contrary to FIFEplan (2017) Policies 1, 7, Making Fife's Places Supplementary Planning Guidance (2018) and Scottish Planning Policy (2014).
2. The application proposal has failed to demonstrate that all possible alternative sites have been suitably explored, before being located on an out of centre site which is located in the countryside. The application proposal is therefore unacceptable and as such would be contrary to FIFEplan (2017) Policies 1, 6, Making Fife's Places Supplementary Planning Guidance (2018) and Scottish Planning Policy (2014).
3. The application proposal represents unjustified development within the countryside and as such, would have a significant detrimental impact on the general openness and undeveloped nature of the countryside, contrary to FIFEplan (2017) Policies 1, 7, 10, 14, Making Fife's Places Supplementary Planning Guidance (2018) and Scottish Planning Policy (2014).
4. The application proposal has failed to demonstrate that a safe pedestrian link between the application site and Kelty can be provided which would have a significant detrimental impact on pedestrian safety in the surrounding area, contrary to FIFEplan (2017) Policies 1, 3, Making Fife's Places Supplementary Planning Guidance (2018) and Scottish Planning Policy (2014).
5. The application proposal has failed to demonstrate that a safe junction arrangement can be provided at the access of the application site and the B914 public road which will result in a significantly detrimental impact on road safety in the surrounding area. The application is therefore contrary to FIFEplan (2017) Policies 1, 3, Making Fife's Places (2018) and Scottish Planning Policy (2014).

6. Insufficient information has been provided to demonstrate the application proposal's impact on existing levels of air quality in the surrounding area, contrary to FIFEplan (2017) Policies 1, 10, Making Fife's Places (2018) and Scottish Planning Policy (2014).

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

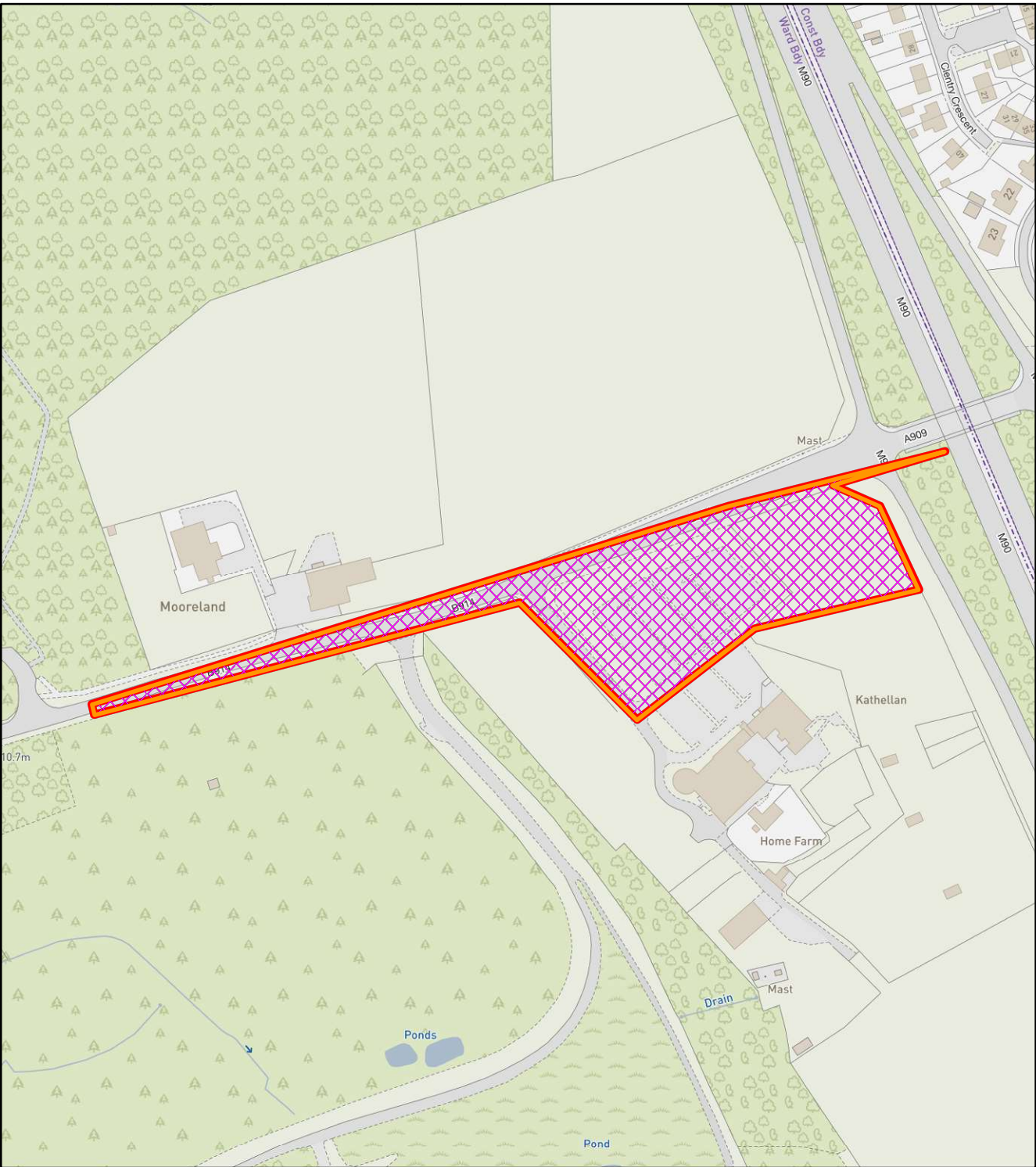
National Policy and Guidance  
Scottish Planning Policy (2014)  
PAN 33 Development of Contaminated Land

Development Plan  
Adopted FIFEplan (2017)  
Making Fife's Places Planning Supplementary Guidance (2018)  
Fife Council's Low Carbon Fife Supplementary Guidance (January 2019)

Other Guidance  
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, Chartered Planner and Case Officer  
Report reviewed and agreed by Declan Semple, Lead Officer and Committee Lead

Date Printed 24/10/2022



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 5**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00222/FULL**

**SITE ADDRESS:** LAND AT ASTRO SOCCER COMPLEX VIEWFIELD  
GLENROTHES

**PROPOSAL :** ERECTION OF 58 AFFORDABLE HOUSING UNITS INCLUDING  
ASSOCIATED ACCESS, LANDSCAPING, INFRASTRUCTURE  
AND FORMATION OF HARDSTANDING

**APPLICANT:** ROBERTSON PARTNERSHIP HOMES AND FIFE COUNCIL  
ROBERTSON HOUSE CASTLE BUSINESS PARK STIRLING

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

**CASE OFFICER:** Natasha Cockburn

**DATE** 18/02/2022  
**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.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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



The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan which provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 sets out themes around sustainability, productivity, liveability, and distinctive places. It is underpinned by six spatial principles.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them will cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

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

## 1.0 Background

1.1 This application relates to a brownfield site which is located within the settlement boundary of Glenrothes. The Site measures approximately 2ha and is bounded to the north by the Viewfield Road, to the west by private dwellings at Balfour Gardens and to the south by woodland and the Kingdom Caravan Park. To the east and south-east, the site is bordered by the Glenrothes Strollers community football club's main facility and playing fields. The Astro Soccer Complex has been derelict for over a decade and the majority of the site is now grassland on disturbed ground consisting of rubble and bare ground (old Astroturf 5-a-side pitches and car parking) with woodland along much of the site boundary. There is an existing vehicular access to the site from Viewfield located at the northeast corner of the site and there is an existing toucan crossing on Viewfield adjacent to the Stenton Road roundabout. The application site is unallocated in the Local Development Plan (FIFEplan 2017) but contains small areas of Protected Open Space on the periphery of the site boundary. The application site is relatively flat. Areas within the centre of the site are at risk of low to medium surface water flooding.

## 1.2 Proposal

1.2.1 This application is for full planning permission for the erection of 58 affordable homes. Robertson Partnership Homes and Fife Council are the applicants, and the development would provide social rented housing for Fife Council. Two vehicular/pedestrian accesses would be provided from Viewfield to the north, utilising the existing access along with the addition of a new access further west. The trees along the northern boundary would be removed and replaced

with new trees. The site layout would comprise a row of 19 semi-detached and terraced houses along the northern boundary, facing onto Viewfield with parking to the rear. There would be an area of semi-detached and cottage flats in the centre of the site, and a mix of semi-detached, detached and terraced properties along the southern and western boundaries. The trees to the southern boundary would largely be retained and protected and most trees to the western boundary would be removed and replaced. A mix of property types are proposed including a mix of cottage flats (8), 2 bedroom houses (20), 3 bedroom houses (10), 3 bedroom houses (12), 5 bedroom houses (2), 5 bedroom townhouses (8), 2 bedroom amenity bungalows (4), 2 bedroom wheelchair bungalows (2) and 3 bedroom wheelchair bungalows (2). Proposed finishing materials include concrete roof tiles, white render, brick basecourses and buff cills. Proposed boundary treatments include a mix of timber fences ranging in height from 1.2m to 1.8m. An acoustic barrier is required to the gardens of Plots 35 and 36, which would be a 1.8m high wall with landscaping. A sports fence is proposed along the boundary of the football pitch to the south east corner, raising to 5m and back down to 4m towards the south, with a 1.8m high acoustic fence. The existing car park to the east of the site will be upgraded as part of this proposed development, including improved drainage and re-surfacing (new gravel and permeable pavements in the centre of the car park).

### 1.3 Planning History

1.3.1 There is no relevant recorded planning history for land included within the application site.

### 1.4 Application Procedures

1.4.1 The application proposal is for more than 49 houses and 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: 21/03130/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 3rd of November 2021 and a follow up online consultation event on 9th of December 2021. The consultation events were advertised in the Courier at least 7 days prior to the events taking place (26th October 2021 for the first event and 1st December 2021 for the second event).

1.4.2 The application was advertised in The Courier on 3rd March 2022 for being potentially contrary to the Development Plan. However, the application has been found not to be significantly contrary through further assessment, therefore the application can be determined by the Planning Authority.

1.4.3 Fife Council currently owns the site. Furthermore, it is understood that Fife Council will purchase the properties upon completion. Circular 3/2009: Notification of Planning Applications advises that in certain circumstances where an authority has a financial interest in the development, notification to Scottish Ministers must be made prior to the grant of planning permission. As this proposed development is not significantly contrary to the Local Development Plan, in that an approval would not undermine the land use strategy of the plan, there is no requirement for notification of the application to Scottish Ministers. PAN82: Local Authority Interest Developments also applies. The PAN advises that notwithstanding the Council's interest in the development, the Planning Authority must still carry out its statutory planning functions without interference. Furthermore, the Committee must carry out a thorough planning

assessment, following all necessary procedures, and reach a decision in accordance with the development plan, unless material considerations indicate otherwise. It must be noted that the Council's support for the development must not take precedence over the need for a proper and fair planning assessment.

## 2.1 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 and Air Quality
- Flooding and Drainage
- Planning Obligations
- Trees and Biodiversity
- Low Carbon Fife

## 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. The application site is within the settlement boundary of Glenrothes and development is supported under Policy 1. Policy 2 Homes states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply on sites allocated for housing in the Local Development Plan or on other sites provided the proposal is compliant with the policies for the location. Given the site is within the settlement boundary, and a brownfield site, the proposals would comply with Policies 1 and 2, providing it also complies with the remainder of the Policies of FIFEplan (2017), which are discussed further throughout the rest of this report.

2.2.2 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 advises that this project will be delivered in conjunctions with Fife Council Housing Services. The allocation of Scottish Government funding for this project has been identified through the Strategic Housing Investment Plan (SHIP) and the current Strategic Local Programme Agreement (SLPA).

2.2.3 An objection comment notes concern that the proposals would fail to meet Policy 3 of FIFEplan (2017) due to the loss of a community facility in that the sports pitch would be lost. In this regard, the site has been vacant since 2003 and suffered a fire around 2010. The site is on the Scottish Vacant and Derelict Land Register (Site Code: MF038) and has not been in use as a sports pitch in 19 years. Sport Scotland have been consulted on this application and have no objections to the redevelopment of the site for a residential use. They have commented that,

there have been significant improvements in the area, including immediately adjacent at both the Michael Woods Sports & Leisure Centre and Glenrothes Strollers FC. These works have significantly uplifted playing capacity in the local area, and they note that the site now appears derelict and overgrown. SportScotland consider that the proposal meets the requirements of Scottish Planning Policy, and the site could be developed without detriment to the overall quality of provision locally. Sport Scotland also note that, as part of the proposals, the car parking at Glenrothes Strollers FC will be upgraded and appropriate fencing installed to mitigate noise and ball dispersal where the boundary adjoins the new housing development. SportScotland also note that the proposals should not prejudice the established and ongoing use of this outdoor sports facility and should retain access to it during the construction phase. FIFEplan Policy 3 Infrastructure and Services states that development proposals will not be supported where they would result in the loss of existing or proposed outdoor sports facilities unless: the proposed development is ancillary to the principal use of the site as an outdoor sports facility; or the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training; or equivalent or better alternative provision will be provided in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or it has been demonstrated that there is clear excess of provision to meet current and anticipated demand in the area and that the site would be developed without detriment to the overall quality of provision. As discussed above, the sports facility has not been in use for at least 19 years and has become derelict. The facility was unable to run successfully due to the low demand for its use, given other facilities available nearby, including the full-size grass football pitches (8+) adjacent to the site at Overstenton, the proximity to the Michael Woods Leisure Centre, the Fife Institute opposite on the north side of Viewfield Road, and the extensive number of pitches and training facilities available at the Council owned Warburton Stadium around 1 mile away to the north. The sports facilities in the immediate vicinity have undergone significant improvements throughout these years, which have significantly uplifted playing capacity in the local area. Sport Scotland also have no objections to the site being redeveloped for housing for these reasons. It is therefore considered that the proposals would comply with FIFEplan Policy 3 regarding the loss of the sports facility, in that there is clear excess of provision to meet current and anticipated demand in the area and the site would be developed without detriment to the overall quality of provision, particularly as the site has not been in use for 19 years and struggled to operate before then. In addition, the proposals would bring benefits to the adjacent sports facility by facilitating improvements to their car park and upgrading the fencing.

2.2.4 The small strip of land to the west side of the site is identified as Protected Open Space within FIFEplan (2017), as is a small patch of the site to the south east where the SUDS is proposed. Policy 3 also applies in this regard and states that development proposals will not be supported where they would result in the loss of open space, unless equivalent or better alternative provision will be provided in a location that is convenient for users; or the Council accepts there is local overprovision. The 2010 Greenspace Audit shows Glenrothes to have a very high quantity of publicly usable greenspace, at 305% provision - 'Very high' within the Greenspace Audit is considered to be 200+% provision. There is no specific reference to what would constitute an overprovision within the Greenspace Audit. However, for the purposes of this assessment, anything over 100% provision could be considered an excess, and therefore an overprovision. The area of protected open space which falls within the red line boundary of the proposed application site is minimal in nature, and its inclusion within the application site is a function of its irregular delineation. Considering the local excess of open space provision in Glenrothes combined with the existing use of the area of protected open space in question, the loss of this area of protected open space is supported. The small linear strip of open space to

the west of the site is not useable. This area of land is within the site boundary; however, planting is proposed in this location so would be retained in some way. The small patch of protected open space to the south east would be within the area containing the SUDS and planting. It is important that the western strip is appropriately planted out, to ensure that the existing buffer between the site and the adjacent properties on Balfour Gardens is retained and the applicant has proposed hedge and tree planting along this edge, which is acceptable. A planning condition is proposed which will ensure that the planting is in place before any units are occupied and to ensure that the planting at this location is maintained.

2.2.5 The application therefore meets the requirements of Policy 1, 2 and 3 and is acceptable in principle, subject to the proposals being compliant with the relevant FIFEplan (2017) Policies. 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 The site layout is designed to bring an active frontage onto Viewfield, which does not currently exist. This is a positive approach and will encourage vehicles to slow down on approach along Viewfield. There will be a loss of trees along the Viewfield frontage because of the development, however, the replacement of the dense tree line with a new avenue of trees and hedge along that frontage, allowing glimpses of the development will be a positive visual contribution to the area. The adjacent housing development at Balfour Gardens is designed with the same approach and the two developments will complement each other well and bring some continuity to the street context. The proposals include two access points into the site, both from Viewfield which allows the access to the existing sports pitch to remain and be shared with the housing development and provides a further access opportunity further west. Connectivity to the surrounding area to the west and south is limited due to the surrounding existing uses, however a pedestrian access is provided to the west of the development, to create a connection between the existing surrounding area and the proposed development, which is welcomed. Objection representations have been received which raise concerns about creating a new footpath which will link into the west, as it will create easier access to the play park which is factored. Making Fife's Places SG and National guidance Designing Streets encourages well connected developments and good design. It is important to create sustainable developments, and one of the important aspects to that is integration and connectivity to the wider community. It is important to include as many connections throughout the site as possible and the proposed footpath creates a shorter journey to the park and enhances permeability, which should be encouraged. The play park is a facility to be used by children from all areas and it is open to all for use, including those passing by, not only from this proposed development.

2.3.3 As discussed in section 2.4 below, acoustic barriers are required for road traffic noise and for noise from the sports pitch to the east. The acoustic barriers required for the road traffic noise are to be 1.8m high, to the gardens of plots 34 and 35. These barriers would be at the western entrance into the site, so it is important that they are appropriately designed. It is proposed that, rather than an acoustic fence, these will be walls and create an entrance feature into the site, which is welcomed. Active gables are also proposed to the houses within these two plots, to ensure that the entrance into the site is appropriately detailed. The second acoustic barrier required is located to the southeast part of the site. The barrier is required to be 1.8m high and located in one area only, to the rear of the SUDS basin. The arrangement at this part of the site requires various fencing due to its proximity to the sports pitch. The applicant has advised that a 4m high sports fence on a 2m bund is needed to prevent footballs from being hit into the housing development from the pitch. Planting is proposed, including tree planting, to soften the appearance of the fence. However, further details of this fence are sought to fully understand the visual effect of this fence. This can be sought through an appropriate condition. Other fencing proposed throughout the site would be softened with planting, where publicly visible and tree planting is proposed throughout the site to break up areas of parking.

2.3.4 In terms of the design and materials of the proposed houses themselves, they would be simple, with white render and grey roof tiles proposed, with some facing brick and buff-coloured cills. A simple approach is supported on this site, however a change in render colour across the site would be preferred, to provide some interest and variation. A suitable condition requiring the submission of these details would suffice to cover this. The proposed house types include a mix of bungalows, semi-detached and terraced houses, cottage flats and townhouses. The frontage of the site towards Viewfield would contain the three storey terraced townhouses and two storey semi-detached houses, which would provide an interesting frontage onto Viewfield, with the taller buildings being located here. This arrangement also ties in well with the adjacent houses and flats to the west of the site, most of which are three storeys where they front Viewfield. Where properties are backing onto the existing properties to the west of the site, house types are proposed to be predominantly bungalows, which would help in ensuring the new development is not overbearing in relation to the existing homes at this location. The centre of the site would contain a mix of cottage flats, semi-detached and terraced houses, all two storeys and with outward frontages onto the new streets, providing overlooking to the parking spaces. The proposals contain a variety of different house types across the site, providing a unique character and sense of place whilst also considering the surrounding context.

2.3.5 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 A Daylight and Sunlight Assessment has been submitted by the applicant, which shows the daylight assessment of the proposed dwellings and a sunlight assessment of the proposed plots. Whilst the assessment does not include the adjacent existing properties, it is clear from the assessment that the proposed buildings would not significantly impact on the daylight or sunlight levels available to the neighbouring existing properties outwith the site because the assessment shows that the proposed gardens would be receiving 2 or more hours of sunlight on 21st March so the neighbouring properties, given they are at a further distance away, would not be significantly impacted. Additionally, there are existing trees to the southern boundary which are proposed to be retained, therefore the proposals are unlikely to significantly add to the existing overshadowing from the trees. Overall, no significant concerns would be raised in this regard.

2.4.3 Some of the plots, particularly in the central area of the site, at some points, do not meet the minimum garden length guideline of 9m. The submitted site plan has been 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. The existing properties outwith the application site would not be affected by this because the proposed garden grounds to the west and south of the site, nearest any existing neighbouring properties, are all over 9m in length. Window to window distance between the proposed cottage flats (Plots 24 - 27) is 21m which is longer than the 18m distance set out within the guidance. The rear of Plot 21 is approximately 15m from the gable of the existing dwelling at number 15 Balfour Gardens and Plot 18 is approximately 12m from the gable of 35 Balfour Gardens. Although these distances are less than the 18m set out in the guidance, the proposed properties would not overlook the windows of any habitable rooms of either of these existing properties, therefore the 18m window to window distance does not apply. Notwithstanding this, to provide some enhancement to the amenity and perception of privacy at this location, the trees lost at this location, would be replaced with suitable replacement planting, including trees and hedges.

2.4.4 The application site is adjacent to Viewfield which runs along the northern boundary of the site, and a sports pitch and Glenrothes Strollers Pavillion to the east. A Noise Impact Assessment (NIA) has been submitted with the application which considers the impact of road noise and the sports pitch on the development. Regarding road noise, the Noise Impact Assessment concludes that noise mitigation measures are required to be implemented to meet internal and external noise level guidelines. 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 proposals which aim to promote sustainable development and transport within the local authority area, including meeting specific needs

identified in the Local Development Plan. It is concluded that this site meets the exceptional circumstance criteria, being a brownfield site, within the settlement boundary and meeting a need for affordable housing. For the road traffic noise, a closed window approach is therefore accepted, alongside a 1.8m high acoustic barrier to the gardens of Plots 34 and 35 at the entrance into the site.

2.4.5 The Noise Impact Assessment also considers the noise levels from the sports pitches and considers two potential options - Option A comprises 4m high barriers with a 2m barrier along the top of a 2m bund along the southeast corner of the site with no additional facades to utilise closed windows and alternative ventilation, in order to meet the 50dB target; or Option B comprises a 1.8m high barrier from the north end of the bund along the southeast corner of the site with additional facades to utilise closed windows and alternative ventilation. Option B is concluded to be the most appropriate option in this instance, as it is established that the site meets the criteria for exceptional circumstances, hereby accepting a closed window approach and façade mitigation. The second option is also the least visually obtrusive option. Therefore, to meet the required noise levels on this site, the façade of plot 11, plots 1 - 5, plots 47 - 50, plots 55 - 56 and all plots along the northern frontage require closed windows mitigation with a specific standard of glazing as set out in the noise report. Additionally, a 1.8m high acoustic barrier is required along the southeast corner of the site. Full consideration of the visual impact of the acoustic barriers has been undertaken in Section 2.3 of this report and concludes that they are visually acceptable.

## 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 Objection comments received have outlined concerns that the proposals would result in more vehicle trips because there are no shops etc. within walking distance of the proposed houses. In response to this concern, a Transport Statement (TS) has been submitted in support of the proposed development. The TS has followed the Transport Scotland "Transport Assessment Guidance". The TS has considered the impact of the proposed development on the surrounding public road network and has considered person trips, not car trips and covered access by all modes of transport - walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport and can be designed in accordance with Scottish Government Designing Streets policy. The TS notes that the site is "an excellent example of the 'walkable neighbourhoods'". In this regard, Transportation Development Management Officers have reviewed the information submitted and it is agreed that the site is in reasonable walking distance of local facilities, including primary schools and the Michael Woods Centre. The site is within cycling distance of most of Glenrothes and lies adjacent to a comprehensive shared footway/cycleway network. Although there is an



existing pair of bus stops on Viewfield close to the site, these are not currently served by a bus service. The closest bus stops are on Stenton Road and Glamis Avenue are approximately 400 metres and 650 metres respectively from the site. The proposed development would result in only 29 two-way vehicle trips in the am peak and 29 two-way vehicle trips in the pm peak, which is not a concern. In conclusion, the application site is in a sustainable location that should encourage use of sustainable modes of transport and the conclusions of the Transport Statement are acceptable.

2.5.3 An objection comment has outlined safety concerns regarding the current situation with cars being parked dangerously and that the proposals to remove a car park will make the situation worse. The parking area referred to was previously associated with the sports pitch that is no longer in use, so is therefore no longer required. The proposals also include the upgrading of the existing car park that is associated with the sports pitch that is currently in use. Transportation Development Management have no issues with the removal of this car park and the proposals include the improvement of the existing car park to the east of the site, which is an improvement to the existing situation. Regarding the proposed parking, Transportation Development Management Officers have raised no safety concerns. The proposed site layout contains an acceptable number of parking spaces in accordance with the Fife Council Parking Standards set out within Making Fife's Places Supplementary Guidance and the Fife Council Development Guidance (Appendix G). The proposals include 3 allocated parking spaces per 5 bed dwelling in plots 11 and 12, 2 allocated parking spaces for the 2 and 3 bed units in plots 7 - 10, 13 - 23, 43 - 46 and 51 - 54 and 43 communal parking spaces for the remainder of the plots, which is acceptable. The proposals also include 6 visitor parking spaces which is slightly less than the standards require (8). However, Transportation Development Management Officers advise that at least an additional 6 potential on-street parking spaces would be available on the site therefore there would be ample provision for visitor parking and therefore the proposed visitor parking is acceptable.

2.5.4 In terms of the general site layout, it is concluded that the site has been designed in accordance with Making Fife's Places Supplementary Guidance and the current Fife Council Transportation Development Guidelines (Appendix G). Two access points are proposed, which is welcomed. The street layout is a traditional carriageway with adjacent footways layout with no shared surfaces and is an acceptable layout.

2.5.5 Overall, the proposals meet the requirements and guidance set out within Making Fife's Places Supplementary Guidance (2018) and Policies 1 and 3 of FIFEplan (2017) regarding transportation and are therefore acceptable in this regard.

## 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 Fife Council's Land and Air Quality Team has been consulted and has advised that following a review of the remediation statement and remediation plan submitted with the application, it is noted that radon protection measures are required within the southwest part of

the site. Land and Air Quality Officers have advised that a remedial statement and a verification report is required, which can be managed through the imposition of conditions.

2.6.3 An Air Quality Assessment has been submitted with the application. Land and Air Quality Officers have reviewed the assessment and have noted that there is no requirement for detailed traffic modelling. No concerns were raised regarding air quality.

2.6.4 The proposal would therefore comply with FIFEplan (2017) Policies 1, 10 and other related guidance in this regard, subject to the aforementioned conditions.

## 2.7 Flooding/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 There is an area in the centre of the site which is identified as at risk of low to medium surface water flooding. The applicant has submitted a Flood Risk Assessment, drainage plans, surface water management plans and certificates with the application. Flooding, Shoreline and Harbours Officers have reviewed the information submitted and have advised that they have no objections or issues to raise regarding flooding or drainage. Flooding, Shoreline and Harbours Officers have requested confirmation of the maintenance of the proposed drainage system. This can be covered through an appropriate planning condition requesting the submission of appendix 5 prior to the commencement of works on site.

2.7.3 The proposals are acceptable regarding flooding and drainage, and are in compliance with Policies 1, 3 and 12 of FIFEplan (2017) and Making Fife's Places, subject to the aforementioned conditions.

## 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 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. Fife Council's

Affordable Housing Team has been consulted on the proposal and has advised that the development meets the terms of the Affordable Housing Supplementary Guidance and that the types of properties proposed meets the needs of the housing market area.

2.8.3 Fife Council's Education Team was consulted and advised that the application site is located within the catchment areas for Pitteuchar East Primary School; St Paul's Roman Catholic Primary School; Auchmuty High School; and St Andrew's Roman Catholic High School. It is also within the Glenrothes South 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.

2.8.4 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. The application site is in close proximity to the play park at Balfour Gardens to the north west of the site, and a footpath has been provided within the proposed layout to allow an easy route to the park from the site.

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

## 2.9 Trees/Biodiversity

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 regarding the ecological impact of the development and that it may lead to the loss of habitat.

2.9.3 The majority of the site is classified as bare ground consisting of concrete hardstanding and former artificial grass pitches. To the south and south-west this grades into a stand of rough semi-improved neutral grassland with an element of mixed woodland plantation around the periphery. An Ecology Appraisal has been submitted with the application which details that no protected species were found in or around the site. It notes that most trees within the wooded areas were young to semi-mature and none of the trees contained any features suitable for roosting bats. The report recommends that any clearance works, including tree felling, are undertaken out with the bird nesting season. No specific details of biodiversity enhancement measures have been provided; however, they can be requested by condition.

2.9.4 An objection comment raised concerns that the developer promised not to remove any of the trees to the western boundary. In response to this, the trees along that boundary are not protected trees and the applicant owns the land so could have removed those trees at any time prior to submitting a planning application. In this case, the trees are proposed to be removed but replaced with what is regarded as appropriate replacement planting. Several trees are proposed to be removed from the site. A tree survey and tree removal plan has been submitted with the

application. 55 individual trees 5 Groups and 7 Woodlands were recorded on and bordering the site. No significant trees were recorded, no trees were categorised as Category A; 27 were recorded as Category B, 8 as Category C and 20 as Category U trees. No trees were classed as mature, 46 as early mature, 8 as young and 1 dead. 34 trees were rated as being in good condition, 1 as moderate, 19 as poor and 1 as dead. 20 trees have been recommended for removal due to their condition. The vast majority of these were Ash with suspected advanced Ash Dieback Disease. There is also a group of early-mature Ash in the southwestern corner that is recommended for removal for the same reason. Many more early-mature Ash are present within the woodlands, and the Arboriculturist has advised that it can be expected that the majority of these will succumb to Ash Dieback Disease over the coming years. One small dead Cherry (G5.1) and two severely defoliated Cherrys (NT2 & NT4) have been recommended for removal. The tree removal plan shows the location of the trees to be removed, with the trees along the northern boundary being removed, 15 trees along the western boundary and one group at that location being removed. The proposals include a construction exclusion zone along the southern boundary to protect the trees to be retained outwith the site. Making Fife's Place (2018) sets out that no buildings should be built within the falling distance of a tree at its final mature height. The tree removal plan shows the tree falling distance of the trees to be retained outwith the site boundary to the south. All the proposed houses along the southern boundary would be within the falling distance of the trees. For the proposals to comply with the tree falling distance requirement set out within the guidance, a large area of the site would be undevelopable, and this would render the site unviable. For this site, it has been concluded that, when considering there are existing homes to the west and south of the site which are already within the tree falling distance of these trees and the risk of the trees being felled in future is significantly lower given the homes would be social rented homes therefore the risk of losing these trees because of residents felling them, is low. It is therefore considered that, in this instance, the 8 houses to the southern boundary of the site being within the tree falling distance is accepted and those trees should be protected during construction.

2.9.5 An extensive landscaping scheme is proposed including hedge and tree planting. This would provide a significant biodiversity benefit within the site and would mitigate against the loss of the trees on the site at present. Proposed planting includes a Beech Hedge planted below an avenue of trees to the north which comprises native species Fastigate Hornbeam trees running the length of the northern boundary - these will act as a partial hedge when grown to maturity but would still contain gaps, to allow for views from and into the site and dwellings. A hedgerow mix is specified to the west boundary along with larger native tree species (Field Maple, Birch and Rowan). These will be planted at Heavy Standard size to give height immediately. Below these will be a native hedgerow mix planted as small whips. This is a mix of Hawthorn, Privet, Elder, Hazel, Holly and Blackthorn which, over time, will establish as a dense mini woodland. Overall, 55 new trees alongside other planting, would be planted to offset the loss of the existing trees on the site.

2.9.6 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 regarding 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).

## CONSULTATIONS

Structural Services - Flooding, Shoreline And Harbours	No objections, subject to conditions.
Environmental Health (Public Protection)	No objections, subject to conditions.
TDM, Planning Services	No objection, subject to condition.
Land And Air Quality, Protective Services	No objection, subject to condition.
Sportscotland	No objections.
Scottish Water	No objections.
The Coal Authority	No objections.
NHS Fife	Objection received but not possible to address through development management.
Policy And Place Team (Central Area)	No objections.
Urban Design, Planning Services	No objections. Footage now Available. Link is <a href="https://vimeo.com/689242220">https://vimeo.com/689242220</a>
Education (Directorate)	No objections.
Housing And Neighbourhood Services	No objections.
Transportation And Environmental Services - Operations Team	No response.
Parks Development And Countryside	No response.

## REPRESENTATIONS

Three representations were received by neighbours, all three of which being objections. The objection comments are outlined below:

- The developer intends to remove two car parks from the site but only refers to one on the plans.

The developer does intend to remove one, redundant car park, associated with the redundant use of the sports pitches, and intends to improve the existing car park to the east of the site. Addressed in paragraph 2.5.3 of the main body of the report.

- The playing fields in the area are well used by families.

The area is not allocated in FIFEplan (2017) for any particular use, the use of the site as sports pitches, formally, is redundant and has been for many years now. The site is on the Vacant and Derelict Land Register and is a brownfield site. Addressed in section 2.2.3 of the main body of the report.

- Safety concerns about the current situation with cars being parked dangerously and the proposals to remove a car park will make the situation worse.
- The number of car parking spaces has been assessed by Transportation Development Management Officers and is considered acceptable. Addressed in paragraph 2.5.3 of the main body of the report.
- Intention to thin the trees that border Balfour Gardens, despite developers promising that they would not.

The proposals include the removal of trees on the site, however they are also proposed to be replaced with new planting. The proposals are considered acceptable in this regard. Addressed in paragraph 2.9.4 of the main body of the report.

- The trees and the site itself form a habitat for nesting birds and other wildlife including deer.

A preliminary habitat survey has been carried out and no protected species were found. The developer would have to adhere to wildlife regulations in terms of the protection of nesting birds and any tree felling or vegetation removal. Addressed in section 2.9 of the main body of the report.

- Does not conform to FIFEplan Policy 13 as the area is populated with trees and hedgerows filled with birds.

It is considered that the proposals meet the terms of Policy 13. Addressed in section 2.9 of the main body of the report.

- Does not conform with Policy 3 due to the loss of outdoor sports facilities

It is considered that the proposals meet the terms of Policy 3. Addressed in paragraph 2.2.3 of the main body of the report.

- A new shop would benefit the area.

Whilst this may be the case, a shop does not form part of the proposals and not are they required to provide a shop. As discussed in section 2.2 of the main body of the report, the site is not allocated for any particular use therefore the use of the site for retail is not part of the consideration of this planning application.

- There are no shops etc within walking distance of the proposed houses which will result in more vehicle trips.

The site is located within a sustainable location, within walking distance or reach via public transport, of appropriate amenities. Addressed in paragraph 2.5.2 of the main body of the report.

- Concerned that the park at Balfour Gardens will be used more due to the walkway proposed from the development and the cost of upkeep will increase.

The walkway is proposed to ensure that the site is permeable and connects with the surrounding area. Addressed in paragraph 2.3.2 of the main body of the report.

## **CONCLUSIONS**

The application proposal would consist of the redevelopment of brownfield land and see the vacant site brought back into beneficial use. The proposal meets the requirements of Policy 3 in terms of the loss of a minimal amount of Protected Open Space on the site as there is a high proportion of open space in Glenrothes. The proposal would have a positive visual impact on the character of the surrounding area. The application proposal also has an acceptable layout which efficiently maximises the amount of land available for development without compromising on residential amenity impacts on existing properties that border the application site, nor would it raise any significant conflicts between proposed units within the development site. The proposals would enhance the visual appearance of the area by providing an attractive frontage to Viewfield which does not currently exist and would provide biodiversity enhancement with a suitable planting scheme. No significant concerns have been raised regarding road safety, drainage/flooding, residential amenity, trees, or contaminated land/air quality. The application proposal therefore compatible with FIFEplan (2017) policies and Making Fife's Places Supplementary Planning Guidance (2018).

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

## **RECOMMENDATION**

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

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

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

2. All units hereby approved, shall be affordable housing as defined within Fife Council's Supplementary Planning Guidance on Affordable Housing (2018) and shall be held as such in perpetuity unless otherwise agreed by the express prior consent in writing of Fife Council as Planning Authority.

Reason: In order to define the terms of the consent.

3. 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. FOR THE AVOIDANCE OF DOUBT the details shall include a mix of render

colours throughout the site. 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.

4. 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.

5. A noise barrier which shall be no higher than 1.8m in height shall be erected along the eastern garden boundary of Plot 34 and western garden boundary of Plot 35 and along the southern boundary of the SUDS basin, between the SUDS basin and the adjacent Sports Pitch. 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 to Plots 34 and 35 and any associated screen planting shall be installed prior to Plots 34 and 35 being occupied and the approved noise barrier to the south of the SUDS basin and any associated screen planting shall be installed prior to Plots 01 - 06 and 11 - 12 being occupied. The barriers 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.

6. Prior to being installed on site, full details of the windows to be installed in the properties shown as requiring acoustic glazing within the approved noise report shall be submitted to Fife Council as Planning Authority for prior written approval. The approved windows shall then be installed on the elevations as noted in the approved noise report. 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.

7. Prior to works commencing on any of the boundary treatments, full details including sections and visuals, of the 'Sports Fence' and bund and planting to the southeast corner of the site to Fife Council as Planning Authority for prior written approval.

Reason: In the interest of residential amenity; to ensure that the fencing would have no significant visual impact on the surrounding area.

8. All roads and associated works serving the proposed development as shown on document 03A shall be constructed in accordance with the current Fife Council Transportation Development Guidelines to a standard suitable for adoption. Work shall include the following:

A 25mm upstand kerb shall be provided on the southern channel line between the prospectively adoptable road and private "Scottish Water" layby.



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

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

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

10. Prior to occupation of the first house, visibility splays 2.4 metres x 110 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the two junctions of the access road with Viewfield in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

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

11. Prior to the occupation of each house, the off-street parking provision as shown on document 03A shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces for Plots 24 - 35, 36 - 42 and 47 - 50 shall be for communal use only. The parking spaces shall be retained through the lifetime of the development.

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

12. 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 and a Verification Plan specifying how, when and by whom the installation will be inspected.

All land contamination reports shall be prepared in accordance with CLR 11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at [www.fife.gov.uk/contaminatedland](http://www.fife.gov.uk/contaminatedland)

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

13. 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 12. 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.

14. IN THE EVENT THAT CONTAMINATION IS ENCOUNTERED that was 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 that all land contamination on the site is dealt with.

15. PRIOR TO THE OCCUPATION OF ANY UNIT, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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

16. Before any development commences on site, a trees and construction method statement shall be submitted to Fife Council as Planning Authority for prior written approval, detailing how existing trees which are to be retained will be protected during construction works. For avoidance of doubt, full details regarding the no-dig method shall be submitted along with relevant plans detailing other tree protection measures. The approved details shall then be followed throughout the construction phase of the development and tree protective fencing shall be erected before any works commence and be retained in a sound upright condition for the duration of the works.

Reason: In the interest of safeguarding existing trees.

17. BEFORE THE OCCUPATION OF THE FIRST DWELLING; Appendix 5 (Confirmation of future maintenance of Sustainable Drainage Apparatus) of Fife Council's most recent Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements shall be completed and submitted to and approved in writing by Fife Council as Planning Authority.

Reason: In the interests of ensuring that an acceptable surface water management plan is provided

18. WITHIN 3 MONTHS OF THE COMPLETION OF THE SUSTAINABLE DRAINAGE SYSTEM; Appendix 6 (Confirmation of Sustainable Drainage System Constructed to Current Best Practice) of Fife Council's most recent Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements shall be completed and submitted to and approved in writing by Fife Council as Planning Authority.

Reason: In the interests of ensuring that an acceptable sustainable drainage system is provided.

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

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

## **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)

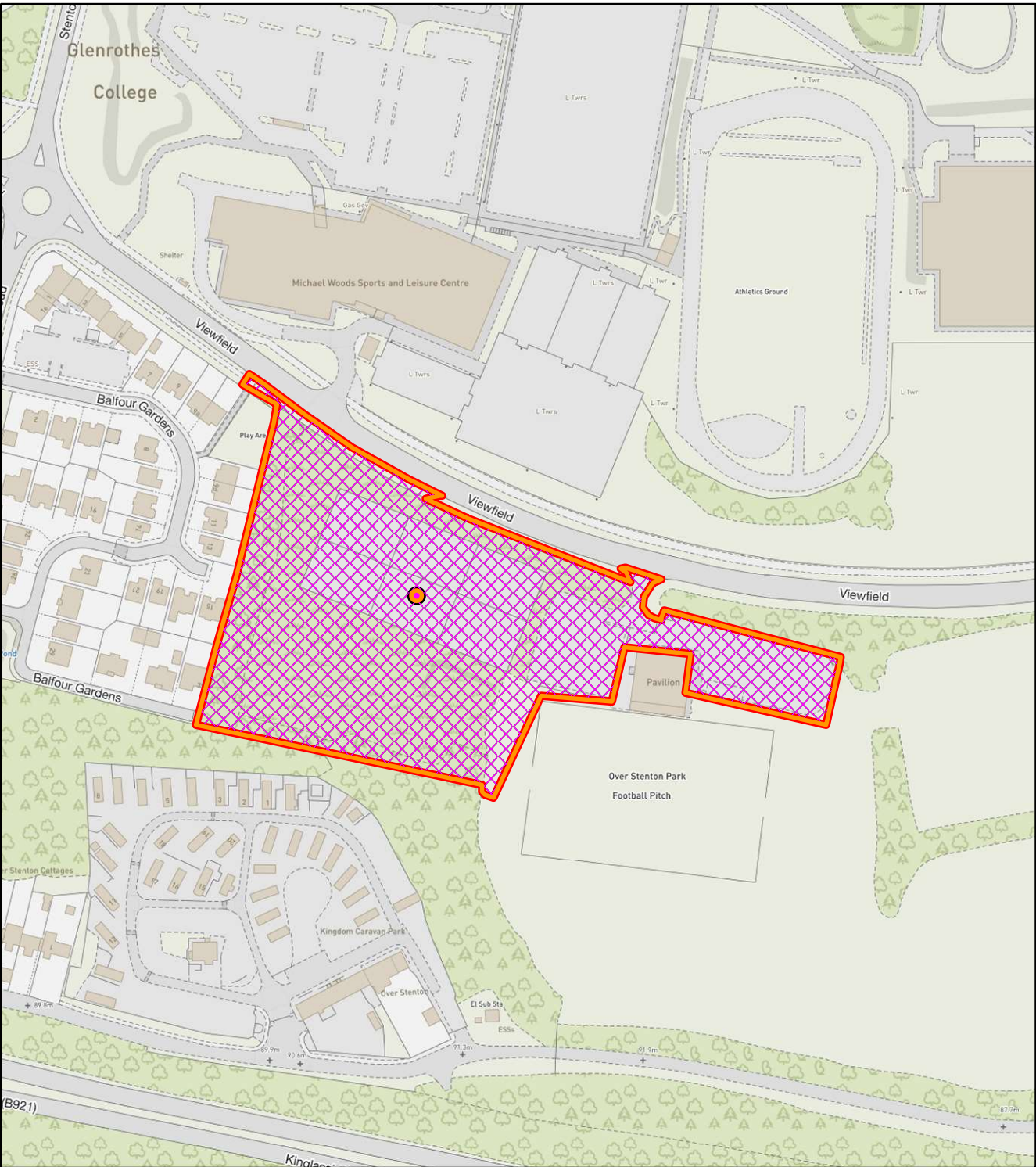
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)

Report prepared by Natasha Cockburn, Case Officer and Chartered Planner

Report reviewed and agreed by Declan Semple, Lead Officer and Committee Lead

Date Printed 02/11/2022

Land at Astro Soccer Complex, Viewfield, Glenrothes



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 6****APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01125/FULL****SITE ADDRESS: FREESCALE SITE DUNLIN DRIVE DUNFERMLINE****PROPOSAL : PROVISION OF AN ACTIVE TRAVEL LINK BETWEEN GREENSHANKS DRIVE AND THE DUNFERMLINE LEARNING CAMPUS****APPLICANT: FIFE COUNCIL EDUCATION & CHILDREN'S SERVICES  
DIRECTORATE  
FIFE HOUSE NORTH STREET GLENROTHES****WARD NO: W5R03  
Dunfermline Central****CASE OFFICER: Bryan Reid****DATE 06/05/2022  
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 representations have been 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.

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

The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan which provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 sets out themes around sustainability, productivity, liveability, and distinctive places. It is underpinned by six spatial principles.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them will cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

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

## 1.0 BACKGROUND

1.1 This application relates to a 0.63ha area of land within the settlement boundary of Dunfermline, consisting of an approximately linear area of land along the northern boundaries of Duloch Park and Calais Muir Woods, situated between Greenshanks Drive in the west and the site of the recently approved Dunfermline Learning Campus. Duloch Park and Calais Muir Woods are identified as Green Network Assets within FIFEplan (2017), whilst also being recorded as areas of protected open space. A 'blanket' TPO covers the entirety of the Calais Muir Woods. Calais Muir Wood is listed on the Ancient Woodland Inventory as Long-established Woodland of Plantation Origin (LEPO). The application site broadly follows the route of the Gypsy Lane (P647/01) Core Path which runs along the northern boundary of Duloch Park once it exits Calais Muir Woods. The core path route through the park, which is also a claimed right of way, is currently a well-trodden (informal) path through the grass. The application site also includes a small section of paved path at the entrance to Duloch Park from Greenshanks Drive and a metal pedestrian bridge which passes over a watercourse running through the park. The ground levels of the application site through the park rise and fall over its length, with the ground level rising steeply as the site veers north away from Calais Muir Woods.

## 1.2 PROPOSAL

1.2.1 The application seeks planning permission for the provision of an active travel link between Greenshanks Drive and the Dunfermline Learning Campus. The proposed development would comprise of a 3m wide shared footpath/cycle path featuring an asphalt and gravel finish. The route of the proposed shared path would broadly follow that of the existing core path through Duloch Park before veering north to avoid entering Calais Muir Woods where the path would run parallel to the paved section of the Gypsy Lane path which runs through the woodland. Several gravel 'tie in' points are proposed to connect the shared path to informal grass paths through Duloch Park and the paved section of the Gypsy Lane path. Cut and fill operations are proposed, with the development also incorporating the formation of three culverts (allowing the proposed path to pass over existing watercourses).

1.2.2 The development proposes to deliver the works specified within Condition 21(iii) of 20/03250/PPP which requires a 3-metre-wide footpath/cycle path between Greenshanks Drive and the education facilities (via the housing area and/or the southern access road) along the northern boundary of Duloch Park to be in place prior to the opening of the education facilities.

### 1.3 PLANNING HISTORY

1.3.1 There is no relevant recorded planning history for land included within the application site, however the below applications should be noted.

- Application 20/03250/PPP was approved on 14 May 2021 for planning permission in principle for a mixed use development including residential units and assisted living apartments (Class 9); college, two high schools and nursery (Class 10); care home (Class 8); pub / restaurant (Class 3); coffee drive thru and a petrol filling station (Sui Generis). This application amended the uses previously approved under various applications including 11/04948/PPP and 14/00809/PPP.
- An application for the approval of matters (ref: 21/00528/ARC) required by conditions for Phase 2 of residential development of 193 residential units (Approval of condition 2(d) of planning permission 14/00809/PPP) was approved in August 2021.
- An application for the approval of matters (ref: 21/01229/ARC) required by condition 1(m) of application 20/03250/PPP for formation of access and construction of core road (D-E) (Southern Access Road) was recently approved by the Central and West Planning Committee in July 2021.
- An application for the approval of matters specified by conditions 1 (k,l,m) and 23 of 20/03250/PPP for formation of access, link road, footpaths, cyclepaths and school car park, associated SuDS and drainage infrastructure and site engineering for Dunfermline Learning Campus was recently approved by the Central and West Planning Committee in September 2021 - 21/01809/ARC.
- An application for the approval of matters specified by Conditions 1 (f,m,n,o) and 5 of 20/03250/PPP for design framework for education land (Dunfermline Learning Campus) and erection of Class 10 (Non-Residential Institutions) college buildings and sports hall, and formation of vehicular access, car parking, landscaping, civic amenity space, footpaths and associated infrastructure was recently approved by the Central and West Planning Committee in November 2021 - 21/02328/ARC.
- An application for the approval of matters specified by Condition 1 (g,m,n) of 20/03250/PPP for erection of two high schools (Class 10) and formation of associated sports pitches, landscaping and footpaths, erection of floodlighting, formation of vehicular access and associated infrastructure was recently approved by the Central and West Planning Committee in November 2021 - 21/02646/ARC.
- An application for the approval of Matters Specified by Condition 23 of 20/03250/PPP for tree removal within eastern plantation was approved in January 2022 - 21/03628/ARC



- Application 21/03949/FULL for the formation of embankment (part retrospective) along the southern boundary of the residential development approved through application 21/00528/ARC was approved in April 2022.

## 1.4 APPLICATION PROCEDURES

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 This application was advertised in the Courier Newspaper for 21 days for the purposes of neighbour notification given the lack of identifiable neighbouring properties within 20m of the application site boundary.

1.4.4 As the proposed shared path link between Greenshanks Drive and the education facilities extends significantly beyond the application boundary for the 20/03250/PPP application, it was not possible to consider these works through an approval of matters specified in conditions (AMSiC) application and thus an application for full planning permission is required.

## 2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Transportation and Pedestrian Safety
- Flooding and Drainage
- Ecological and Tree Impact

## 2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 The Scottish Government's Scottish Planning Policy (SPP) (2014) and Policies 1 and 13 of the Adopted FIFEplan Local Development Plan (2017) apply with regards to the principle of development for this proposal.

2.2.2 SPP places a focus on creating a successful sustainable place, a low carbon place, a natural, resilient place and a more connected place. The following four planning outcomes within SPP set out how Planning Authorities should support the vision of SPP by; supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places; reducing carbon emissions and adapt to climate change; protecting and enhancing natural and cultural assets, and facilitating their sustainable use; and supporting better transport and digital connectivity.

2.2.3 Policy 1 of FIFEplan sets out that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Such development proposals must meet one of the points in Part A and conform to all applicable requirements in Parts B and C. Policy 1 Part A states that the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the Local Development Plan. Policy 1 further states that development proposals must be supported by information or assessments to demonstrate that they will comply with the relevant criteria and supporting policies. Policy 13 sets out that development proposals will only be supported where they protect or enhance natural heritage and access assets including green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way and established footpaths

2.2.4 The application site is located within the settlement envelope of Dunfermline, consisting of an approximately linear area of land along the northern boundaries of Duloch Park and Calais Muir Woods, running between Greenshanks Drive in the west and the site of the recently approved Dunfermline Learning Campus (see 20/03250/PPP, 21/02328/ARC and 21/02646/ARC detailed above). The route of the proposed footpath/cycle path encompasses a section of the existing paved footpath through Duloch Park from Greenshanks drive before veering north over a well-trodden grass path and medal pedestrian bridge which leads to the core path (P647/01 - Gypsy lane); a well-trodden path through the grass which runs along the northern boundary of Duloch Park before becoming a formally surfaced path as it enters Calais Muir Woods; with the proposed path then veering north slightly to avoid entering Calais Muir Woods, where after it would run parallel to the surfaced Gypsy Lane Path (separated by trees), before finally turning north to connect with the approved 'Core Road D-E' which runs east/west along the southern boundary of the DLC (and serves the approved housing development to the west). In addition to serving as a route between Greenshanks Drive and the DLC, the proposed path would also offer a formally surfaced pedestrian/cycle path for the Gypsy Lane Core Path once it exits Calais Muir Woods.

2.2.5 Condition 21 of the planning permission in principle for the Dunfermline Learning Campus Condition (DLC) requires that: "Prior to occupation of the education facilities, the following shall be provided:

- i. Pedestrian and cycle links between the existing housing (including the existing links provided to the housing site boundary on Woodpecker Crescent and Roe Deer Place), the proposed housing and the education facilities.
- ii. The provision of a 3 metre wide footpath/cycle path between the existing bus stops on Dunlin Drive and Calaiswood Crescent and the education facilities.
- iii. The provision of a 3-metre-wide footpath/cycle path between Greenshanks Drive and the education facilities (via the housing area and/or the southern access road) along the northern boundary of Duloch Park.**
- iv. The provision of one pair of bus stops with shelters, boarders, information boards, poles, flags and road markings on both Calaiswood Crescent and the north-south core road, unless otherwise agreed in writing by the Planning Authority.
- v. The provision of one pair of bus stops with shelters, boarders, information boards, poles, flags, road markings and a safe pedestrian crossing facility on Sandpiper Drive adjacent to the new southern access road.
- vi. The upgrading of the existing pair of bus stops (Lochy Rise) on Dunlin Drive with laybys, shelters, boarders, information boards, poles, flags, road markings.

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

2.2.6 Duloch Park and Calais Muir Woods are identified as Green Network Assets within FIFEplan (2017), whilst also being recorded as areas of protected open space. A 'blanket' TPO covers the entirety of the Calais Muir Woods.

2.2.7 As the proposed path link between Greenshanks Drive and the education facilities extends significantly beyond the application boundary for the PPP application, it was not possible to consider these works through an approval of matters specified in conditions (AMSiC) application and thus an application for full planning permission is required (and the principle of development considered). Whilst submitted as a full application, the Planning Authority is satisfied that the proposed 3m wide footpath/cycle path reflects the spirit/requirements of Condition 21 (iii) of 20/03250/PPP. As shall be discussed in greater detail below, it is considered that the proposed shared path would not impact on the Development Plan designations for Duloch Park and Calais Muir Woods. It is therefore considered by the Planning Authority that the principle of this development is established through the PPP, with the development providing a crucial active travel link to the new learning campus, whilst not adversely impacting on any green network assets. It is also noted that without this proposed path link, the DLC could not open/operate in accordance with its planning permission.

2.2.8 The proposed development is thus considered to be acceptable in principle, complying with Policy 1 Part A and 13 of FIFEplan (2017). The overall acceptability of the development however depends on the proposal satisfying Policy 1 Parts B and C, and other relevant Development Plan policy criteria as identified in Section 2.1 of this report.

## 2.3 DESIGN AND VISUAL IMPACT

2.3.1 SPP (2014), SESplan Strategic Development Plan (2017) Policy 2, FIFEplan Local Development Plan (2017) Policies 1, 10, 13 and 14, and Making Fife's Places Supplementary Guidance (2018) apply with consideration to the design and layout of the proposed development.

2.3.2 SPP paragraph 42 sets out that a pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement. Paragraph 194 promotes positive change that maintains and enhances distinctive landscape character. In addition, SPP paragraph 202 states that development should be designed to take account of local landscape character and the potential effects on landscapes, including cumulative effects. The SPP directs Planning Authorities to adopt a precautionary approach when considering landscape impacts, but also to consider the ways in which modifications to a proposal could be made to mitigate the risk (paragraph 204).

2.3.3 SESplan (2017) Policy 2 aims to deliver better quality development and places which respond to climate change, Local Development Plans, design frameworks masterplans/briefs and development proposals should be: a) Place-led; b) Active and healthy by design; c) Resilient and future-ready; and d) Efficient resource consumption.

2.3.4 FIFEplan (2017) Spatial Strategy promotes an increase in Quality of Place through new development in Fife. FIFEplan Policy 1 Part C requires proposals to demonstrate adherence to the six qualities of successful places. Policy 10 (Amenity) of FIFEplan requires proposals to demonstrate that development would not result in a significant detrimental impact on amenity in relation to visual impact. Policy 13 sets out that development proposals will only be supported

where they protect or enhance natural heritage and access assets including green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way and established footpaths. Policy 14 provides more detail on these principles of good placemaking, advising that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Policy 14 additionally sets out that developments are expected to achieve the six qualities of successful places: distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around. Fife Council will apply the six qualities of successful places to assess a proposal's adherence to these principles.

2.3.5 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments regarding design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. It additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places. The Supplementary Guidance also sets out the level of site appraisal an applicant is expected to undertake as part of the design process. This includes consideration of the landscape setting, character and the topography of the site.

2.3.6 Duloch Park and Calais Muir Woods are identified as Green Network Assets within FIFEplan (2017), whilst also being recorded as areas of protected open space. A 'blanket' TPO covers the entirety of the Calais Muir Woods.

2.3.7 The route of the proposed 3m wide footpath/cycle path would largely follow the route of Core Path P647/01 and a claimed right of way route as it passes through Duloch Park; which is a well-trodden (informal) grass path; whilst also incorporating a small section of paved path at the entrance to Duloch Park from Greenshanks Drive. The proposed development would comprise of a 3m wide path with an asphalt surface through Duloch Park, with the development also proposing to resurface the part of existing paved Duloch Park path included within the application site boundary. In addition, the proposal would also introduce short length gravel surfaced 'tie in' points to connect the retained informal grass trodden paths to the proposed asphalt surface, with a gravel path connection also proposed between the asphalt shared path and the formally surfaced section of the Gypsy Lane path through the Calais Muir Woods.

2.3.8 To facilitate the proposed footpath/cycle path, the existing bridge over the watercourse would be removed and replaced by two box culverts, with the proposed shared path passing over the top of these features. 1m high metal handrails are proposed along either side of the path when passing over the culverts. An additional culvert is proposed at the approximate location of where the proposed shared path enters the Calais Muir Woods - this proposed culvert would feature two concrete pipes below the footpath/cycle path. Engineering works (cut and fill) are proposed along the route of the path, with the surface of the proposed shared use path built up to sit slightly above the existing ground level - the excavated topsoil would be used to create shallow embankments on either side of the path. The route of the proposed path would largely follow the existing rise and fall of the land.

2.3.9 Considering the proposed engineering works, culvert and final appearance of the asphalt and gravel topped footpath/cycle path and given the status of the route as an existing core path and claimed right of way, the Planning Authority is satisfied that the proposed development would not have a significantly adverse impact on the setting of Duloch Park and Calais Muir Woods and their designations are protected open space and green network assets. Whilst cut and fill works are proposed along the route, by largely following the existing slopes of the land, the design of the proposed shared path would ensure that it would not appear as an overly

engineered solution through the park and woodland, ensuring the open and natural feel of these areas is maintained.

2.3.10 The design and visual impact of the proposed development is thus considered to be acceptable, with the proposal deemed to comply with Policies 1, 10, 13 and 14 of FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

## 2.4 RESIDENTIAL AMENITY

2.4.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017) apply regarding the consideration of residential amenity.

2.4.2 The above FIFEplan (2017) policies and guidance set out the importance of encouraging appropriate forms of development in the interests of residential amenity. They advise that development proposals should be compatible with their surroundings in terms of their relationship to existing properties, and that they should not adversely affect the privacy and amenity of neighbours regarding the loss of privacy; sunlight and daylight; and noise, light and odour pollution.

2.4.3 Along the route, the distance between the proposed path and the front elevation of properties of Kingfisher Place and Kestrel Avenue would continuously exceed 18m. The proposed path would encroach within approximately 15m of no. 36 Kestrel Avenue, however it is noted that it would be the property's side gable elevation which would front the path – this gable elevation does not feature any windows serving habitable rooms. Despite the intervening distance, the proposed footpath/cycle path along the southern boundary of the existing properties does have the potential to impact on residential amenity in terms of disturbance and loss of privacy. However, as the proposed path route follows the route of the existing Core Path (P647/01 - Gypsy Lane) and claimed right of route, it is considered that the proposed footpath/cycle path would not lead to adverse overlooking concerns. It is accepted that this proposed path may result in a greater number of people using the core path route, however, it is considered that the greatest use would be at specific periods of the day (high school opening, closing and lunch times) and not over a prolonged period. The impact therefore would be minimal and not significant enough to warrant refusal of the application when considered against the requirement to create a safe walking route to the DLC from Greenshanks Drive (as required by condition on application 20/03250/PPP). Additionally, to ensure users of the proposed path feel safe, it is considered that the path requires to be sufficiently overlooked by existing residential properties for the majority of its length. It would not be possible to gain direct entry to Kingfisher Place and Kestrel Avenue from the proposed shared path given the intervening boundary and post-and-wire fences.

2.4.4 As approved through application 21/03949/FULL, a landscape bund is to be formed along the southern boundary of the recently approved residential development to the west of the DLC (ref. 21/00528/ARC). As a consequence of this landscape bund, there would be no opportunity for intervisibility between the residential properties and the proposed footpath/cycle path.

2.4.5 To ensure the safety of users and children using the path, lighting columns, 6m in height, are proposed along the route of the shared use path. The proposed lighting columns and lanterns would be of a typical Fife Council specification. The proposed lighting columns would be designed to light the footpath/cycle path and would avoid significant light spill into the surroundings. Given the distance between the proposed lighting columns and residential

proprieties, and given the level of predicted light spill, it is considered that the proposed lighting columns would not give rise to adverse light pollution concerns for neighbouring properties.

2.4.6 Overall, the proposed development is thus considered to comply with Policies 1 and 10 of FIFEplan regarding residential amenity considerations.

## 2.5 TRANSPORTATION AND PEDESTRIAN SAFETY

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

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

2.5.3 Policy 1 of FIFEplan states that development proposals must provide the required onsite infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of FIFEplan advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Transportation Development Guidelines set out the minimum parking standards for developments, as well as standards for roads developments.

2.5.4 The application has been submitted to comply with planning permission 20/03250/PPP Condition 21(iii) which requires the provision of a 3 metre wide footpath/cycle path between Greenshanks Drive and the education facilities (via the housing area and/or the southern access road) along the northern boundary of Duloch Park.

2.5.5 The west end of the proposed shared path would tie in with Greenshank Drive adjacent to an existing toucan crossing, with the east end tying into the core road currently under construction on the southern boundary of the DLC and opposite the shared path which shall run along the western boundary of the DLC. Upon their review of the proposed development, Fife Council's Transportation Development Management (TDM) Officers have advised that the alignment of the proposed shared path would be acceptable. TDM thus confirmed that they have no objections to the proposed development, however a condition has been recommended to ensure that the path is constructed in accordance with the Transportation Development Guidelines and is suitable for adoption by Fife Council as Road Authority.

2.5.6 A representation has been submitted suggesting that shared paths are not recommended when the predicted traffic is more than 300 cycles per hour and that a segregated footpath and cycle path should be provided. The Transport Assessment submitted in support of previous applications notes that the DLC would generate some 35 cycle trips in the AM peak and 32 cycle trips in the PM peak, however, not all trips would utilise the proposed shared path. The predicted

cycle trips are low, but these would rise with the implementation of the Travel Plans. Nevertheless, there is no justification for the provision of segregated foot and cycle paths.

2.5.7 Overall, the proposed footpath/cycle path would allow for the creation of an active travel route from Greenshanks Drive to the approved DLC, with the formation of the path a prerequisite to the opening of the DLC. The layout and route of the proposed 3m wide shared path is supported by TDM. The proposed development is thus considered to be acceptable regarding transportation and pedestrian safety considerations, complying with Policies 1, 3 and 10 of FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

## 2.6 FLOODING AND DRAINAGE

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

2.6.2 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SuDS. Policy 12 of FIFEplan states that development proposals will only be supported where they can demonstrate compliance with a few criteria, including that they will not individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. The Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) sets out the Council's requirements for information to be submitted regarding flood risk and drainage for full planning permission to ensure compliance. Finally, CAR requires that SuDS be installed for all new development, apart from runoff from a single dwellinghouse or discharge to coastal waters.

2.6.3 The proposed works involve the construction of a shared use path connecting Greenshank Drive to DLC. The proposed location of the path crosses over two existing channels. Channel 1 runs from Greenshank Drive in a south easterly direction before discharging into a pond to the south-east. Channel 2 runs in a westerly direction before converging into Channel 1. The location of both channels has a high likelihood of surface water flooding in accordance with SEPA Flood Mapping. Two box culvers are proposed at the location where the path crosses over each channel. An additional culvert is proposed at the approximate location of where the proposed shared path enters the Calais Muir Woods - this proposed culvert would feature two concrete pipes below the footpath/cycle path. Over much of the proposed route, the path would be topped with an impermeable asphalt material, with surface water directed to filter trenches. Outlets from the filter trenches would discharge onto the proposed slopes associated with the shared use path. The proposed tie in points to the informal paths and paved section of Gypsy Lane would be formed of permeable gravel.

2.6.4 Fife Council Structural Services were consulted on this application to provide comment on matters relating to flooding and surface water management. In their initial comments, Structural Services requested the application to provide a flood risk assessment, technical approval for the proposed culvert structures and a maintenance schedule for the SuDS elements. The flood risk assessment and maintenance schedule were duly submitted by the applicant, with Structural Services confirming in their subsequent consultation response that they had no concerns with the information presented. The applicant has advised however that they are unable to provide technical approval documents for the proposed culvert structures at this time, with the culvert

design to be developed by a specialist manufacturer, they have however provided a document seeking 'approval in principle' for the proposed structures. As Structural Services have not raised any concerns regarding the principle of the proposed culvert structures, it is considered that it would be appropriate in this instance to make use of a planning condition to request that technical approval documents for the proposed culvert structures are submitted for the approval of the Planning Authority prior to the start of works.

2.6.5 In conclusion, the proposed development would not give rise to flood risk, with suitable drainage arrangements proposed to accommodate surface water runoff. The proposed development is therefore considered to be acceptable regarding flooding and drainage considerations.

## 2.7 ECOLOGICAL AND TREE IMPACT

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

2.7.2 SPP (Valuing the Natural Environment) states that developers should seek to minimise adverse impacts through careful planning and design, considering the service that the natural environment is providing and maximising the potential for enhancement. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration. SPP states that ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest. Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network.

2.7.3 Policy 1 Part B (9) of the Adopted LDP states that development must safeguard or avoid the loss of natural resources. Policy 13 of the FIFEplan (2017) states that where a proposed development will only be supported where they protect or enhance natural heritage assets, including trees which have a landscape, amenity or nature conservation value. Where adverse impacts on existing assets are unavoidable the Planning Authority will only support proposals where these impacts will be satisfactorily mitigated. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Making Fife's Places Supplementary Guidance. Where the proposed development would potentially impact on natural heritage assets (including species), a detailed study must be undertaken by a suitably qualified person detailing the potential impact of the development.

2.7.4 Policy 13 of FIFEplan (2017) states that where development is proposed on a site where trees are present, consideration will be given to whether, and in what form, development should



be supported, having regard to the desirability of retaining and protecting mature and semi-mature trees, and other examples likely to be become attractive in amenity terms, or of a rare species. Making Fife's Places Proposed Supplementary Guidance Document (2017) details that where large semi-mature/mature trees are present on and adjacent to a development site, distances greater than the British Standard will be expected and no new buildings or gardens should be built within the falling distance of the tree at its final canopy height.

2.7.5 BS 5837:2012 Trees in relation to Design, Demolition and Construction provides advice on protecting trees during construction and the formation of hard surfaces within the Root Protection Areas (RPAs) of trees, recommending that new permanent hard (impermeable) surfacing should not exceed 20% of any existing unsurfaced ground within the RPA.

2.7.6 Category (Cat.) A and B trees are expected to be retained and are considered by Fife Council to be site constraints. Cat. C is a lower classification and is not seen as a constraint to development. Cat. U trees are those which cannot realistically be retained as living trees. The Planning Authority does not raise any concerns regarding the removal of Cat. U trees. If tree felling is proposed, the Planning Authority would expect suitable replacement planting to take place (native species).

2.7.8 An independent Tree Survey Report, prepared by Heritage Ecological Ltd (HEL), has been submitted as part of this application. This report includes an examination of the species, height, health, canopy spread, RPA and classification of trees within the Calais Muir Woods (TPO) and along the route of the proposed path. Trees containing the same species (or mix of species) and age class/condition and which are therefore arboriculturally similar in character have also been assigned as 'groups'. An overview of the tree survey is provided below.

<b>Tree Cat.</b>	<b>Single Trees</b>	<b>Tree Groups</b>	<b>Hedges</b>
A	1	0	0
B	33	2	0
C	27	9	0
U	3	1	0
<b>Total</b>	<b>64</b>	<b>12</b>	<b>0</b>

2.7.9 A single Cat. A tree is present within the study area: an over mature beech *Fagus sylvatica*, showing a well-defined, spreading canopy, with a single main stem to a diameter of 1,280 mm (at 1.5m agl) and to a height of 21m. The tree is of high quality for both arboricultural and landscape reasons. Cat. B trees comprise 33 single trees and 2 groups, and include a range of young, semi-mature and mature broadleaved species. The species include: crack willow *Salix fragilis*, grey willow *Salix cinerea*, silver birch, pedunculate oak, beech, rowan *Sorbus aucuparia* and sycamore *Acer pseudoplatanus*. A group of middle-aged alder of 3 species (Group 6: common *Alnus glutinosa*, Italian *A. cordata*, and grey *A. incana*) consisting of 10 trees is present on the western boundary of Castle Muir Wood and to the east of an existing pathway towards the wood. A second group of tightly spaced middle-aged sycamore is present on the edge of Calais Muir Wood to the north of the existing path. All trees and the tree group are categorised as being of good quality with regards to their presence and contribution to the local landscape.

2.7.10 There would be no direct loss of any trees within the Calais Muir Wood TPO area, however, the proposed hardstanding shared use path would encroach within the RPA of the single Cat. A tree, two Cat. B trees and a single Cat. C tree recorded in the survey. The proposed development would occupy approximately 5% of the total RPA of the Cat. A tree, with the existing Gypsy Lane path occupies approximately 2% of the tree's RPA. In accordance with

the recommendations of BS 5837:2012 Trees in relation to Design, Demolition and Construction, the Planning Authority is satisfied that the RPA, and the health of the of the Cat. A tree overall, would not be adversely impacted by the proposed development. Similarly, the existing Gypsy Lane path and proposed shared use path would occupy less than 20% of the RPAs of two Cat. B trees and single Cat. C tree within the Calais Muir Wood TPO area. The Tree Survey Report recommends that any excavation works within the RPAs be undertaken manually/by hand or with compressed air soil displacement. A condition is recommended to secure this. The Tree Survey Report also recommends that tree protective fencing be erected within the TPO and an Arboricultural Clerk of Works be appointed (ArbCoW) during construction works to ensure trees are not damaged. Conditions are recommended to secure the tree protection measures.

2.7.11 Members shall be aware of the 15m landscape buffer that was approved as part of application 20/03250/PPP to provide separation between development and Calais Muir Wood. This buffer area is also highlighted in the submitted objections to this application. Whilst this proposed development would be located within the buffer area, as the development would not have an adverse impact on the protected trees (as demonstrated above), the Planning Authority are satisfied that the previously approved buffer can be relaxed for this proposal.

2.7.12 The proposed development would result in the direct loss of two Cat. B trees (located outwith the TPO area), as well as the loss of one Cat. C tree and the direct partial loss of trees within groups #G1, #G4 and #G5 (all Cat. C) - the estimated total number of trees across the three groups that would be lost would be 245. Additional felling of trees during the construction phase of the project is also likely to be required within groups #G1, #G4 and #G5 of trees adjacent to the working areas because of initial excavations and soil compaction within their RPAs which is assessed to result in an c. 65 additional trees to be lost. Whilst the loss of the two Cat. B trees is regrettable, it is considered that the loss of these two trees would not outweigh the need for a path to be delivered in this location to enable the DLC development to be delivered. The Tree Survey Report states that the loss of the Cat. C trees is considered not to represent a potentially significant arboricultural impact, given the young age of the trees affected. Notwithstanding the non-significant assessment, compensation is required for the loss/damage of these trees that is proportionate and appropriate.

2.7.13 The Tree Survey Report recommends that a woodland planting plan based on native species and designed to provide landscape/visual amenity and wildlife habitat be prepared as part of the development. It is recommended that the planting should include provision for woodland ground flora species, with the extent of planting compensating for the loss of c. 2,000sqm of existing young broadleaved plantation. Notwithstanding this recommendation, no replacement woodland planting is proposed as part of this application. However, the Planning Authority's attention has been brought to a significant tree planting proposal to be undertaken by Rural Skills Scotland. This proposal followed on from the Council's approved Climate Strategy to increase the number of trees planted in Fife. In 2017, Duloch Park was identified as a suitable site, with a community consultation event leading to the identification of a 2ha site adjacent to Calais Muir Woods to increase the size of the woodland. As agreed by the City of Dunfermline Area Committee, Fife Council has approved an award toward the initiative to plant some 5800 trees over 2ha in the north east part of Duloch Park, with the remaining funding for the project agreed to be provided by Scottish Forestry. The project would aid one of the objectives of the City Of Dunfermline Area Local Community Plan which is maximising the use of greenspace for health and wellbeing. The proposed tree planting would be located along the southern boundary of the proposed shared use path. Whilst this tree planting cannot be secured through this application (as it does not form part of the development), the Planning Authority is satisfied that with the Area Committee and Scottish Forestry funding in place, there is sufficient comfort that

the proposal will be delivered. Delivery is currently programmed from the 2023/24 planting season following the installation of the proposed shared use path – this would avoid damage to the proposed trees during construction works. It is considered that with the tree planting proposals taking place within Duloch Park, the loss of trees to facilitate the proposed shared path development would not raise any significantly adverse ecological impacts.

2.7.14 Turning to the objections to this application, concerns have been raised that the proposed development would impact habitats and species, with the application site providing an important habitat to several different species, including deer. Whilst these concerns are noted, with some areas of habitat impacted by the proposed development, it is considered that this loss because of the physical development works would be small in comparison with the extensive wider habitat in the surrounding area of Duloch Park and Calais Muir Woods which would be unaffected, ensuring any impacts would not be significant at a local or regional level. A condition is however recommended to ensure any site clearance works takes place outwith the bird breeding season.

2.7.15 In conclusion, the proposed development would not have a significant adverse impact on natural heritage features, including protected trees. The proposed development is thus considered to be acceptable regarding ecology considerations.

## CONSULTATIONS

Land And Air Quality, Protective Services	No comment to make regarding this application.
Transportation, Planning Services	No objections. Condition recommended.
Structural Services - Flooding, Shoreline And Harbours	No objections. Technical approval of culvert structures requested.
Trees, Planning Services	No comment.
Natural Heritage, Planning Services	No comment.

## REPRESENTATIONS

A total of nine objections, including one submitted by the Calais Wood Conservation Group, have been received in response to this application. The concerns raised, and the Planning Authority's response to these, are summarised as follows:

1. Shared pedestrian and cycle paths are not recommended where the predicted traffic exceeds 300 cycles per hour.  
- This is addressed in Paragraph 2.5.6 of this report.
2. Proposed path would disrupt area used by deer.  
- This is addressed in Paragraph 2.7.14 of this report.
3. Proposed path would result in litter and anti-social behaviour in the area.  
- The increase in number of people using the area is addressed in Paragraph 2.4.3 of this report.  
The proposed development would contribute to an increase in litter.

4. What is the necessity for the proposed path, lighting and fencing?
  - The proposed development is required to be provided per Condition 21(iii) of Planning Permission in Principle (20/03250/PPP). The works would allow the envisioned Dunfermline Learning Campus to come forward on schedule. The lighting proposals are considered appropriate to protect residential amenity. No fencing is proposed.
5. Proposed path should have a more natural appearance, reinforcing the natural path created through Duloch Park.
  - This is addressed in Paragraph 2.3.9 of this report.
6. No information has been submitted regarding the structure or cost of the proposed works.
  - This is not a material planning consideration.
7. Proposed path would be within 5-10m of residential property, giving rise to residential amenity concerns.
  - The proposed path would be located 15m from the nearest residential property. The residential amenity impacts of the proposal are addressed in Section 2.4 of this report.
8. Proposed path should be re-routed towards open area without trees.
  - The route of the proposed path, which follows that of the existing core path, is acceptable.
9. Trees/shrubs should be planted along the path's northern boundary to ensure privacy for neighbouring residential properties.
10. Proposed path would breach Calais Muir Woods 15m buffer zone.
  - This is addressed in Paragraph 2.7.11 of this report.
11. A safer (more overlooked) route is available for the proposed path - plans approved with application 20/03250/PPP show that the route was to angle through the residential development (now approved - 21/00528/ARC).
  - The plans approved as part of application were indicative only. Following further site investigations and reviews of site levels, the indicatively proposed route is no longer feasible.
13. Insufficient replanting proposed.
  - This is addressed in Paragraph 2.7.11 of this report.
13. Proposed impermeable path would give rise to increased surface water runoff into woodland, including grit/salt (during winter).
  - Filter trenches are proposed along the route of the path to manage surface water runoff.
14. No details of ownership for future maintenance of path have been provided.
  - The path is to be adopted and maintained by Fife Council.
15. Ecological report has not been submitted.
  - The Planning Authority is satisfied with the level of information submitted with the application.

Several of the objections recognise that the proposed path would effectively be a reinstatement of the recognised Right of Way FD82/Gypsy Lane, with the proposed works also offering additional landscaping, planting and a new bridge along the route - all works that are supported in principle.

## CONCLUSIONS

The application is acceptable in principle, providing a footpath/cycle path link between Greenshanks Drive and the Dunfermline Learning Campus - required to be provided per Condition 21(iii) of Planning Permission in Principle (20/03250/PPP). The works would allow the envisioned Dunfermline Learning Campus to come forward on schedule. The layout of the path would follow the route of the existing Gypsy Lane core path route through Duloch Park, with measures taken to ensure the works would not have a significantly adverse impact on the root protection areas of the protected trees of the Calais Muir Woods. The engineering works to ensure the path has a suitable gradient for all users and would ensure the development would not give rise to adverse drainage or flooding concerns. Whilst the works would lead to an increase in people/activity over the existing core path route, it is considered that this would not give rise to significant residential amenity concerns which would warrant the refusal of this application. The development is therefore considered acceptable in all regards and would comply with the Development Plan and conditions set out within 20/03250/PPP.

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

## RECOMMENDATION

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

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

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

2. Prior to any part of the Dunfermline Learning Campus coming into operation, the shared path shall be constructed in accordance with Making Fife's Places Supplementary Guidance and the current Fife Council Transportation Development Guidelines (Appendix G) to a standard suitable for adoption and open for pedestrian and cyclist use.

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

3. PRIOR TO ANY WORKS TAKING PLACE WITHIN 15 METRES OF CALAIS MUIR WOODS, protective fencing shall be erected within the woodland to protect the trees from damage. The details and location of the protective fencing shall be agreed in writing by the Planning Authority prior to installation. Thereafter, the protective measures shall be retained in full throughout the construction period and no building materials, soil or machinery shall be stored in or adjacent to the protected areas. Once in place, no entry shall be allowed into the protected zones without the permission and supervision of the project Arboricultural Clerk of Works.

Reason: To secure the preservation of trees in accordance with section 159(a) of the Town and Country Planning (Scotland) Act 1997.

4. PRIOR TO THE COMMENCEMENT OF WORKS, the developer shall secure the implementation of an Arboricultural Clerk of Works (ArbCoW) be appointed, the name and contact details for whom shall be submitted in writing to the Planning Authority before development commences. Thereafter, the appointed ArbCoW shall be retained by the developer for the duration of the construction works unless otherwise agreed in writing by the Planning Authority.

Reason: In order to safeguard the ecology of the site.

5. All excavation works within the Root Protection Areas of trees within Calais Muir Woods shall be undertaken manually/by hand or with compressed air soil displacement. All excavation works shall be carried out under the supervision of the project Arboricultural Clerk of Works.

Reason: To secure the preservation of trees in accordance with section 159(a) of the Town and Country Planning (Scotland) Act 1997.

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

Reason: In the interests of safeguarding nesting birds.

7. PRIOR TO ANY WORKS TAKING PLACE, details of the technical approval for each of the culvert structures shall be submitted for the prior written approval of Fife Council as Planning Authority. Thereafter, the culvert structures shall be erected in accordance with the approved details.

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

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

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

### National Guidance:

Scottish Planning Policy (2014)

Scottish Government Designing Streets (2010)

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

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

### Development Plan:

SESplan Strategic Development Plan (2017)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

### Other Guidance:

Fife Council Transportation Development Guidelines  
Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan  
Requirements (2022)

Report prepared by Bryan Reid, Lead Professional and Case Officer  
Report Reviewed and agreed by Declan Semple, Lead Officer and Committee Lead

Date Printed 13/10/2022





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Legend



Application Boundary

0 25 50 100 150 m



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**Fife**  
COUNCIL

Economy, Planning & Employability Services



**ITEM NO: 7**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01748/FULL**

**SITE ADDRESS:** UNIT 1 CROSSHILL BUSINESS CENTRE MAIN STREET

**PROPOSAL:** CHANGE OF USE OF PART OF TRAINING/BUSINESS LAND (SUI GENERIS) TO LAND FOR SITING OF SELF-STORAGE CONTAINERS (CLASS 6), ERECTION OF FENCING AND ASSOCIATED DEVELOPMENT

**APPLICANT:** MR BRIAN ROBERTSON-TERN  
CROSSHILL COMMUNITY ENTERPRISE CENTRE MAIN STREET CROSSHILL

**WARD NO:** W5R08  
Lochgelly, Cardenden And Benarty

**CASE OFFICER:** Brian Forsyth

**DATE** 14/06/2022  
**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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

The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan which provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 sets out themes around sustainability, productivity, liveability, and distinctive places. It is underpinned by six spatial principles.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them will cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

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

## 1.0 BACKGROUND

1.1 The application site, extending to approximately 1ha, relates to the existing Crosshill Business Centre complex in Crosshill, a former school building and its grounds and outbuildings. The buildings on site accommodate a variety of uses, including the offices of a social enterprise, a tattoo parlour, a surgeon's premises, a cleaning depot, photographic studios, a bakery, an upholsterer's, a transport depot, foodbank depot, etc. The area proposed for storage is currently wasteland, latterly a community garden, and enclosed by c. 1 metre high stone boundary wall on three sides, with fencing on the other. Housing adjoins this proposed storage area on two of its walled sides, with the business centre complex otherwise adjoining. The surroundings of the complex are predominantly residential.

## 1.2 PROPOSAL

1.2.1 Detailed planning permission is sought for alterations to the main building, which is the former school building in the middle of the site; and, in the far-right (northern) corner of the site, use of an approximately 794 square metres part of the grounds as an area for the siting of shipping containers for self-storage purposes. Thirteen 2.59 metre high storage containers are proposed, set back 3.5 metres from the site boundary. It is proposed to erect a screen fence on

top of the existing stone walls around the proposed storage area to match the existing, to an overall height of 2.5 metres.

### 1.3 PLANNING HISTORY

1.3.1 Planning permission (ref. 21/01218/FULL) for change of use of part of training (Class 10)/industrial (Class 4) land (sui generis) to land for storage (Class 6); and siting of self-storage containers (Class 6) and formation of screening bund thereon was withdrawn on 5 May 2022.

### 1.4 APPLICATION PROCEDURES

1.4.1 A physical site visit has not been undertaken for this application. All necessary information has been collated digitally to allow for the full assessment of the proposal. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. Online satellite/aerial and street imagery provides good coverage of the site.

### 2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Design and Visual Impact
- Business and Residential Amenity
- Road Safety/Transportation
- Ground Contamination
- Flooding and Drainage

### 2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 Scottish Planning Policy (2014) promotes the use of the plan-led system to provide a practical framework for decision-making on applications, reinforcing the provisions of Section 25 of the Act.

2.2.2 The site is within the defined settlement boundary for Ballingry, Lochore, Crosshill & Glencraig in terms of the adopted FIFEplan Fife Local Development Plan (2017), within a safeguarded employment area. Policy 1: Development Principles supports the principle of development within a defined settlement boundary provided it is compliant with the policies for the location. Policy 1 and Policy 5: Employment Land and Property collectively state that such existing employment land will be safeguarded for continued business and industrial use. It is explained that in most cases the relevant use classes will be Class 4 (Business), 5 (Industrial) and 6 (Storage and Distribution).

2.2.3 The proposed change of use is to Class 6 (Storage and Distribution) is a The proposed storage area is understood to have remained unused for over 30 years (other than for a period as a community garden) and the proposals would see it brought back into beneficial use without significant prejudice to a more mainstream employment use. Subject to compliance with the provisions of the below policies for the location, it is considered that the principle of the development is supported in terms of Policy 1 and 5 of FIFEplan. The overall acceptability of the proposals in terms of Policy 1 is subject to compliance with the below policies.

## 2.3 DESIGN AND VISUAL IMPACT

2.3.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their development impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and businesses and complying with Policy 10: Amenity. 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; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, the visual impact of the development on the surrounding area.

2.3.2 A number of the representations have raised concern with the visual impact that the proposals for the storage containers would have. The proposed alterations to the building are of a relatively minor nature, in keeping with its character and appearance. The area proposed for storage is discreetly positioned in a back corner of the site, within an area not readily visible from public view. Therefore, there will be a neutral impact on the visual amenity of the surrounding area.

2.3.4 In light of the above, the development proposals would not have a significant detrimental impact on the visual amenity of area, according with the above provisions of policy in relation to design/visual impact.

## 2.4 BUSINESS AND RESIDENTIAL AMENITY

2.4.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their development impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and businesses and complying with Policy 5: Employment Land and Property and Policy 10: Amenity.

2.4.2 Policy 5: Employment Land and Property states that development for business uses in areas such as this will be supported only if: 1. it is an employment use class consistent with existing or proposed employment activity on the site or neighbouring site; or 2. it will not restrict the activities of existing or future businesses on the site or neighbouring employment sites; in all cases, an assessment must be undertaken to identify the potential impact, amongst other things, on: established business operations and on the amenity of surrounding land uses with particular emphasis being given to the impact on residential amenity. 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; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, noise and light nuisance. Fife Council's Policy for Development and Noise (2021) is also relevant here.

2.4.3 Representations and a petition have been received raising concerns regarding noise, sunlight and overlooking. The Council's Environmental Health (Public Protection) team (EHPP) raises no objection in relation to noise or otherwise. Their response stated that while some noise is anticipated when the containers are being accessed, this is likely to be sporadic and not consistently noisy. Use of the containers is more likely to disturb residents if at unsociable hours, (e.g. early morning/late at night). To address this, a condition has been recommended restricting the use of the facility to between the hours of 08:00hrs - 20:00hrs Monday - Sunday.

2.4.4 Taking into account the views of EHPP, and subject to their recommended condition of planning in relation to hours of operation, it is not considered that the development proposals would lead to a significant detrimental impact on amenity in terms of noise.

2.4.5 In terms of overlooking and sunlight, it is considered that the proposed containers set back 3.5 metres from the boundary with neighbouring residential property, would not lead to a significant detrimental impact on amenity. By virtue of the size and layout of neighbouring residential gardens the proposed 2.5 metre high boundary fencing would not lead to a significant detrimental impact on amenity in terms of overlooking or sunlight.

2.4.6 In terms of impact on near outlook from adjacent residential property, the 3.5 metre set back of the containers provides sufficient space for a satisfactory mitigatory landscape treatment to be achieved. Final details of the material treatment has been secured by a condition of planning permission.

2.4.7 In light of the above, and subject to conditions of planning permission in relation to operating hours and landscaping, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to business and residential amenity.

## 2.5 ROAD SAFETY AND TRANSPORTATION

2.5.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their development impact by complying with relevant criteria and supporting policies, where relevant, 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 A representation has been submitted raising concerns regarding the obstruction of other vehicles using the business centre complex. Planning Services' Transportation Development Management team (TDM) advises that there is ample parking within the overall curtilage of the site, therefore it has no objections to the proposals. Any obstruction to other vehicles within this private business complex is a matter for the operator of the facility and the complex's management and not a material planning consideration. Therefore, the development proposals accord with the above provisions of policy and guidance in relation to road safety and transportation.

## 2.6 GROUND CONTAMINATION

2.6.1 Policy 1: Development Principles of FIFEplan requires that development proposals must address their development impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. 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; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation

to, amongst other things, contaminated land. Planning Advice Note 33: Development of Contaminated Land is also relevant here.

2.6.2 The Council's Land and Air Quality team raises no objection. Therefore, the development proposals accord with the above provisions of policy in relation to contaminated land.

## 2.7 FLOODING AND DRAINAGE

2.7.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impacts of development proposals must be addressed by complying with relevant criteria and supporting policies, including avoiding flooding and impact on the water environment and complying with Policy 12: Flooding and the Water Environment. Policy 12 states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively, and amongst other things: increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere; or reduce the water conveyance and storage capacity of a functional flood plain; etc. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) is also relevant here.

2.7.2 Following the submission of further information in relation to drainage, the Council's Flooding, Shoreline & Harbours team raises no objection in relation to flooding or drainage. Therefore, the development proposals accord with the above provisions of policy and guidance.

## CONSULTATIONS

Environmental Health (Public Protection)	No objection.
Land and Air Quality, Protective Services	No comment.
Transportation and Environmental Services - Operations Team	No response but none required.
TDM, Planning Services	No objection.
Structural Services - Flooding, Shoreline and Harbours	No comment.

## REPRESENTATIONS

Seven representations have been submitted from occupants of nearby residential properties, including a petition signed by 32 persons, raising the following concerns in relation to business and residential amenity:

- potential for noise from people, cars and other vehicles, and from container noise;
- potential for noise at unsociable hours and light nuisance from any security lights;
- potential for associated crime and anti-social behaviour;
- impacts in terms of near outlook and overbearingness; proposed bamboo screening taking time to establish and likely to be poorly maintained and become a home to litter; and
- potential for proposals to cast shade; the above matters are dealt with in 2.4 above;
- the proposals would obstruct other vehicles using the business centre complex; this is addressed in section 2.5.

The representations additionally raise concern in relation to potential damage to the boundary wall however, this is not a material planning consideration.

## **CONCLUSIONS**

The development accords with the provisions of policy and guidance in relation to the principle of development, design/visual impact, road safety/transportation, ground contamination and flooding and drainage. In turn and overall, the development accords with the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom. Subject to conditions.

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

## **RECOMMENDATION**

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

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

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

2. The hours of operation of the storage use hereby approved shall be limited to between 0800 and 2000 Monday to Sunday, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of residential amenity.

3. BEFORE ANY CONTAINERS ARE POSITIONED WITHIN THE STORAGE AREA HEREBY APPROVED, and notwithstanding the details shown in the approved drawings, a landscaping scheme including details of screen fencing shall have been submitted for approval in writing by the planning authority, which scheme shall also include details of the future management and aftercare of this landscaping. The fencing detailed in the scheme as approved shall be erected BEFORE ANY CONTAINERS ARE POSITIONED WITHIN THE STORAGE AREA HEREBY APPROVED. The scheme as approved shall otherwise be implemented within the first planting season following the storage use hereby approved having commenced; the management and aftercare of the landscaping thereafter carried out in accordance with the approved landscaping scheme.

Reason: To ensure the provision of landscaping between the containers and nearby residential properties, in the interests of residential amenity.

## **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)

Other

Fife Council Policy for Development and Noise (2021)

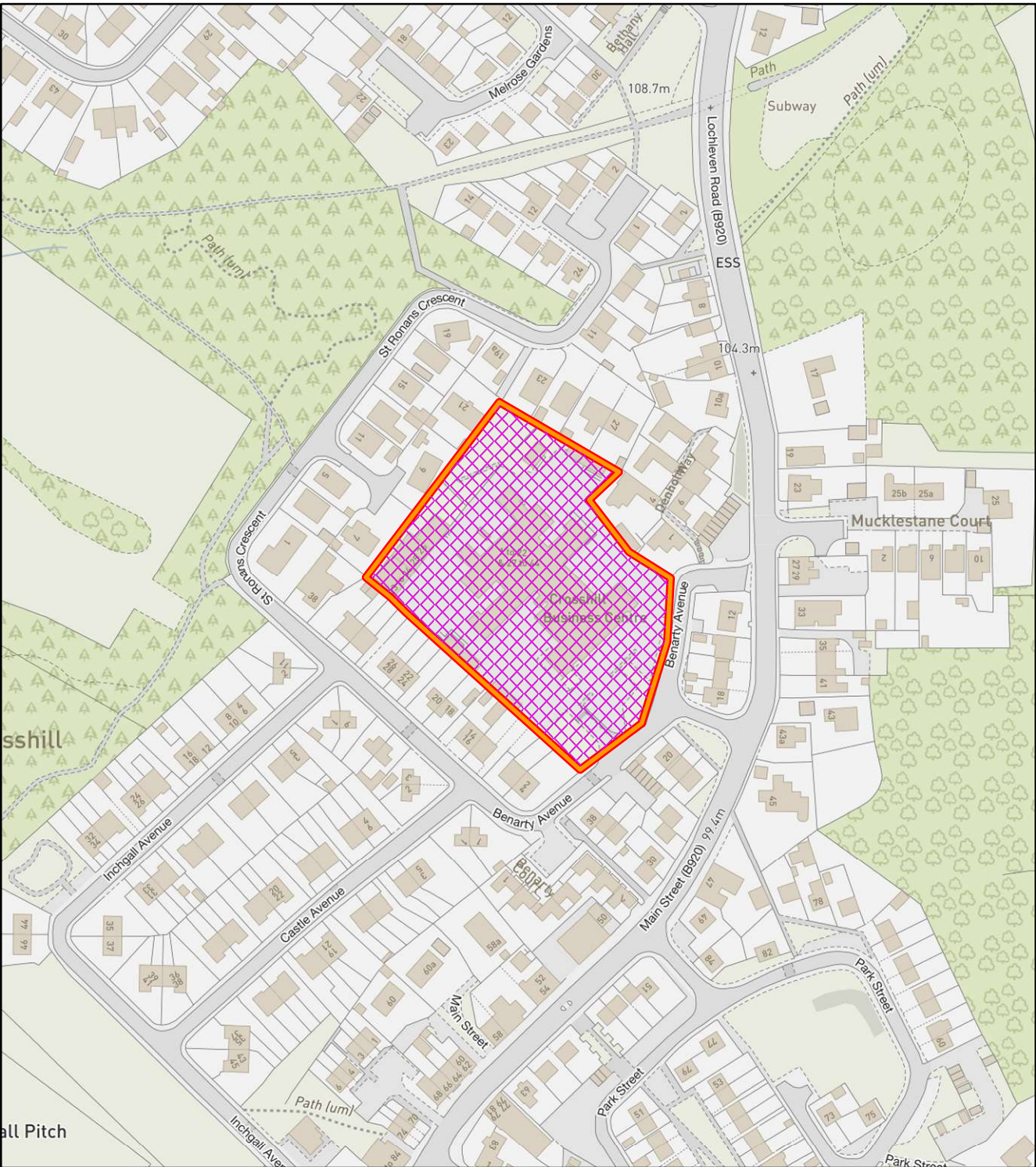
Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020)

Report prepared by Brian Forsyth, Planner

Report reviewed and agreed by Declan Semple, Lead Officer and Committee Lead

Date Printed 17/10/2022





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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 8**

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE REF: 21/03397/PPP**

**SITE ADDRESS: LAND 900M WEST OF SHEARDRUM BALGONAR SALINE**

**PROPOSAL: PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE (CLASS 9) AND ASSOCIATED DEVELOPMENT**

**APPLICANT: MR WILLIAM SHAW  
WEST LETHANS FARM SALINE FIFE**

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

**CASE OFFICER: Brian Forsyth**

**DATE 29/10/2021  
REGISTERED:**

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

This application requires to be considered by the Committee because:

The application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

#### **SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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

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

The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan which provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 sets out themes around sustainability, productivity, liveability, and distinctive places. It is underpinned by six spatial principles.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them will cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

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

## 1.0 BACKGROUND

1.1 The application site relates to an approximately 0.48 hectare area of on non-prime agricultural land approximately 1.9 km to the north of Saline, within an area of countryside and the Cleish Hills Local Landscape Area in terms of the adopted FIFEplan Fife Local Development Plan (2017). It comprises part of an open grassed agricultural field, with a mix of trees and open countryside surrounding, and a stretch of the adjacent private agricultural track exiting onto the C51 public road to the west. There are no nearby properties.

## 1.2 PROPOSAL

1.2.1 Planning permission in principle is sought for the erection of a dwellinghouse (Class 9) and associated access and garden ground.

## 1.3 PLANNING HISTORY

1.3.1 There is no relevant recorded planning history for land included within the application site.

## 1.4 APPLICATION PROCEDURES

1.4.1 This is a 'Local' application in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As such, pre-application consultation between the applicant and community has not been required.

1.4.2 A physical site visit has not been undertaken for this application. All necessary information has been collated digitally to allow for full assessment of the proposal. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the application. A submitted photographic survey and online satellite/aerial and street imagery has proven sufficient.

## 2.0 PLANNING ASSESSMENT

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

- Principle of Development;
- Design and Visual Impact;
- Residential Amenity;
- Road Safety and Transportation;
- Trees;
- Sustainability; and
- Flooding and Surface Water Drainage

## 2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 Scottish Planning Policy (2014) promotes the use of the plan-led system to provide a practical framework for decision-making on planning applications, reinforcing the provisions of Section 25 of the Act.

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

Policies 1, 7: Development in the Countryside and 8: Houses in the Countryside collectively state that development for housing in the countryside will only be supported in certain circumstances, including where it is essential to support an existing rural business.

2.2.3 Supporting text to Policy 8 explains that unplanned sporadic or ad-hoc development in the countryside could result in the gradual erosion of rural landscape character and qualities, this policy to be used to manage the demand for new housing in the countryside, having regard to the way in which it can bring social, environmental, and economic benefits. It is stated that the fact a business is established in a rural area is not enough to justify building a house in the countryside, that the need to have residential accommodation and a continuous presence at the site must be justified, that there must be no potential for using existing accommodation in the area or for the renovation of an existing property, and that there should be no evidence of houses or plots having previously been sold from the farm or business holding to private buyers. To justify a housing proposal, a site selection report is required, showing how the site has been chosen and the stages undertaken to arrive at the chosen location. For housing associated with an existing business the house is expected to be sited so that it fulfils the purpose for which it is intended, and located close to existing buildings, planning permission not to be granted if the house is, amongst other things, in an isolated position or sited at a distance from existing building groups.

2.2.4 Supporting text to Policy 8 sets out what information needs to be submitted to allow the proposal to be assessed. For agricultural housing, this needs to include:

- where the farm or business boundaries are;
- the number of existing buildings;
- whether buildings are used or occupied or not;
- the number of workers, where they live and if they are full or part-time;
- the type of work the house is needed for and why; and
- any other information the applicant feels is necessary to justify the proposal.

2.2.5 The supporting Planning Statement submitted with the application explains that the proposed dwellinghouse is required to support an existing farming business. The house would be occupied by the owners. The site is within an approximately 87 hectare area owned by the business referred to as 'Sheardrum', extending east from the C51, and including derelict buildings known as Cultmill and Threepsikes. The supporting agricultural justification report concludes, in summary, that:

- there is a need for the house to allow one of the family to have his own home and to allow the business to grow;
- the labour profile for the business justifies 13 employees based on current agricultural activity;
- given the increase in rural crime, it is recommended that the house is strategically located within the farm's landholdings for improved on-site security purposes;
- the proposed site is located where a significant proportion of the business' breeding ewes are lambed due to the better field conditions (grass growth and quality) and greater shelter provision, and an on-site human presence is important to manage this element of the business; and
- it is essential that key personnel working on the farm live in easily accessible locations to assist with efficient day-to-day activities and decision-making processes involved in running an agricultural business.

2.2.7 The supporting Planning Statement adds that at West Lethans, there are no existing domestic properties that could be refurbished to provide additional accommodation. There are also no redundant traditional buildings there available for conversion (they are still in active use to store machinery, feed etc.). It is acknowledged that the proposed dwellinghouse could be physically accommodated at this location, however, this would not address the ongoing operational issues experienced by the farming business/ partners. For the reasons highlighted in the agricultural justification report, accommodation requires to be provided at the specific proposed location and there are no dwellinghouses associated with the lands here owned by the business.

2.2.8 The application has attracted 11 representations, all supporting the principle of development, concurring in that respect with the submitted supporting Planning Statement and agricultural justification report. There are no objections.

2.2.9 Whilst each planning application must be considered on its own individual merits, in certain circumstances it is appropriate for the planning authority to consider the potential precedent a planning approval may set. A key objective of the above policies is to safeguard rural landscape character and qualities by limiting unjustified development. This objective is premised on the view that an essential characteristic of the countryside is that it is undeveloped and that allowing its further built development gradually erodes that character and qualities, however sympathetic individual proposals.

2.2.10 It is not accepted that the requirement for the proposed dwellinghouse has been fully justified through the submitted supporting Planning Statement, agricultural justification report, etc; the applicant having failed to provide any substantive evidence that the existing rental cottage might not reasonably contribute to meeting the stated housing need into the future, e.g. evidence from the owner and from a surveyor; that legal and financial impediments to conversion of Cultmill and Threepsikes cannot be overcome, e.g. evidence from the third-party track owner and from a surveyor; or that impediments to repurposing buildings at West Lathans cannot reasonably be overcome, e.g. surveyor's report.

2.2.11 A key contention in the applicant's site selection process is that the proposed dwellinghouse should be located where it is proposed because it is where a significant proportion of the business' breeding ewes are lambed due to the better field conditions and greater shelter provision. On-site human presence being important to manage this element of the farm business effectively and efficiently, and with a view to deterring crime. However, as far as this might justify the proposed dwellinghouse separate from an existing building group, no substantive evidence has been provided in this regard, including no information as to the location and extent of the land in the locality which is farmed but not owned by the business; no information on the nature of the agricultural activity on that rented land, e.g. the extent to which and where any lambing takes place on that land. No information as to any special or unique crime issues faced by the business in this location, including crime statistics over the period since land at Sheardrum was purchased in 2013; all which evidence should inform the site selection process and consideration of the merits of the location and principle of the development proposed.

2.2.12 Given the lack of substantive evidence, the applicant has failed to demonstrate the need for the proposed dwellinghouse in this location, at a distance from existing building groups, contrary to the above provisions of policy and guidance in relation to the principle of development. The overall acceptability of the proposal is additionally subject to consideration against the below policies.



## 2.3 DESIGN AND VISUAL IMPACT

2.3.1 Policy 1: Development Principles of FIFEplan states that development proposals must address, and will be supported if, individual and cumulative impacts are addressed; and, amongst other things, the character and qualities of the landscape are safeguarded, the amenity of the local community protected, and the relevant provisions of supporting policies 7: Development in the Countryside, 8: Houses in the Countryside, 10: Amenity and 13: Natural Environment and Access complied with. Collectively, these supporting policies state that development will only be supported if it does not have a significant detrimental impact on amenity, including in relation to visual impact; in all cases, development must be of a scale and nature compatible with surrounding uses and located and designed to protect the overall landscape and environmental quality of the area; development only being supported where it protects or enhances landscape character and views, planning permission not being granted for development of a house on a prominent site. Making Fife's Places Supplementary Guidance (2018) sets out the expectations for developments with regards to design and is also relevant here.

2.3.2 The 11 representations mention support for the development proposals in terms of design/visual impact. Indicative drawings demonstrate that a house design appropriate to the landscape setting of the site can be achieved. Notwithstanding, in the absence of any justification in land use terms (2.2 above refers), the development proposals would contribute unnecessarily and cumulatively to a gradual and unacceptable erosion of the character and qualities of the landscape, contrary to the above provisions of policy and guidance in relation to design/visual impact.

## 2.4 RESIDENTIAL AMENITY

2.4.1 Policy 1: Development Principles of FIFEplan states that development proposals must address, and will be supported if, individual and cumulative impacts are addressed; and, amongst other things, the amenity of the local community is protected and the relevant provisions of supporting policy 10: Amenity complied with. 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; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity. Fife Council's non-statutory 'Garden Ground' customer guidelines are also relevant here.

2.4.2 Several the 11 representations in support mention that there would be no impact on the residential amenity of neighbouring properties. There are no nearby third-party residential properties. The indicative drawings accompanying the application show the proposed dwellinghouse situated on a generous plot that could comply with guidance on garden ground, such that targets in the above guidance could be met. As such, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to residential amenity.

## 2.5 ROAD SAFETY AND TRANSPORTATION

2.5.1 Policy 1: Development Principles of FIFEplan states that development proposals must address, and will be supported if, individual and cumulative impacts are addressed; and, amongst other things, the performance or safety of strategic infrastructure is not compromised and the relevant provisions of supporting policy 3: Infrastructure and Services complied with.

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 the cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services; such infrastructure and services may include, amongst other things, local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance (2018). Development proposals require to demonstrate how they will impact on road safety.

2.5.2 Planning Services' Transportation Development Management team (TDM) advises that it has a policy against the formation of new vehicular accesses or the intensification in use of existing accesses on such unrestricted distributor roads outwith established built-up areas. For clarification purposes, the built-up area, from a transportation point of view, is defined as the area within a 20, 30 or 40mph speed limit. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. TDM advises that consideration can be given to setting aside this policy, for example if the case officer accepts the application is justified in terms of providing accommodation for an agricultural worker.

2.5.3 TDM advises that the C51 is subject to a 60mph speed limit and according to the current Fife Council Transportation Development Management Guidelines, 3 metre x 210 metre visibility splays must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, at the junction of the proposed new vehicular access and the public road.

2.5.4 A technical note and visibility splay plan prepared by a consultant have been submitted in support of this application. This includes the results of a traffic count and speed survey undertaken on the C51 public road. The recorded average 85th percentile of vehicles speeds during the survey were 38mph northbound and 43.2mph southbound, respectively. Based on the recorded vehicle speeds, the transport consultant has proposed the provision of a 3m x 140m splay in the southwest direction at the junction of the access to the site with the public road. This splay is shown in the submitted plan and is acceptable to TDM.

2.5.5 An oncoming splay of 3m x 156m has been proposed by the consultant using a pro rata basis between the splays specified for a 40mph and 50mph road. However, this approach is not acceptable to TDM and a 3m x 180m splay (for a 50mph limit) must be provided as per Appendix G of Fife Council's Making Fife's Places. TDM advises the provision of this splay would not be issue as it can be provided within land in the applicant's control/the public road boundary. Similarly, TDM advises 180m forward visibility must be provided for drivers of vehicles turning right into the access from the public road and this is also available within the extents of the public road boundary. TDM advises its concerns can be addressed via the imposition of conditions. TDM has no objections to approval being granted, subject to the imposition of conditions in relation to vehicular crossing construction and interception of surface water run-off from the site, driveway gradient and ground clearance, provision and maintenance of visibility splays, and provision and retention of parking within the site.

2.5.6 Considering the views of TDM, and subject to its recommended conditions of planning permission, it is not considered that the development proposals would give rise to significant



detrimental impact in terms of road safety/transportation, according with the above provisions of policy and guidance in relation to same.

## 2.6 TREES

2.6.1 Policy 1: Development Principles of FIFEplan states that development proposals must address, and will be supported if, individual and cumulative impacts are addressed; and, amongst other things, natural heritage is safeguarded, or its loss avoided and the relevant provisions of supporting policy 13: Natural Environment and Access complied with. Policy 13 states that development proposals will only be supported where they protect or enhance natural heritage and access assets including trees that have a landscape, amenity, or nature conservation value. Making Fife's Places Supplementary Guidance (2018) advises that where large semi-mature/mature trees are present on and adjacent to a development site, distances greater than the British Standard will be expected and no new buildings or gardens should be built within the falling distance of the tree at its final canopy height.

2.6.2 The indicative drawings show that development can be accommodated with the root protection zones and falling distances of the neighbouring trees. As such, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to trees.

## 2.7 SUSTAINABILITY

2.7.1 Policy 1: Development Principles of FIFEplan states that development proposals must address, and will be supported if, individual and cumulative impacts are addressed; and, amongst other things, natural resources are safeguarded and the relevant provisions of supporting policies 3: Infrastructure and Services and 11: Low Carbon Fife complied with. Collectively, policies 3 and 11 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.

2.7.2 The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications, such as here, will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.7.3 A Low Carbon Sustainability Checklist has not been submitted, however, the requirement for one can be made a condition of planning permission. Subject to such a condition, the development proposals are considered to accord with the above provisions of policy and guidance in relation to sustainability.

### CONSULTATIONS

TDM, Planning Services	No objection subject to conditions.
Transportation And Environmental Services - Operations Team	No response.
Scottish Water	No objection.

## REPRESENTATIONS

The application has attracted 11 representations, all supporting the principle of development, concurring in that respect with the submitted supporting Planning Statement and agricultural justification report. The representations mention support for the development proposals in terms of design/visual impact. Several the representations mention that there would be no impact on the residential amenity of neighbouring properties. No objections have been received.

## CONCLUSIONS

The development does not accord with the provisions of policy and guidance in relation to the principle of development and design/visual impact. Subject to conditions of planning permission, the development could accord with the provisions of policy and guidance in relation to residential amenity, road safety/transportation, trees and sustainability and flooding and surface water management. Overall, the development does not accord with the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

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

## RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of safeguarding the character and qualities of the rural landscape from unplanned, unjustified, sporadic and ad-hoc development; the development proposals being expected to contribute cumulatively to the gradual erosion of that character and those qualities; contrary to the provisions of policies 1: Development Principles, 7: Development in the Countryside, 8: Houses in the Countryside and 13: Natural Environment and Access of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018); which provisions seek to manage the demand for new housing in the countryside.

## 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 Places Supplementary Guidance (2018)  
Low Carbon Fife Supplementary Guidance (2019)

National

Scottish Planning Policy (2014)

Other

Fife Council non-statutory Garden Ground customer guidelines

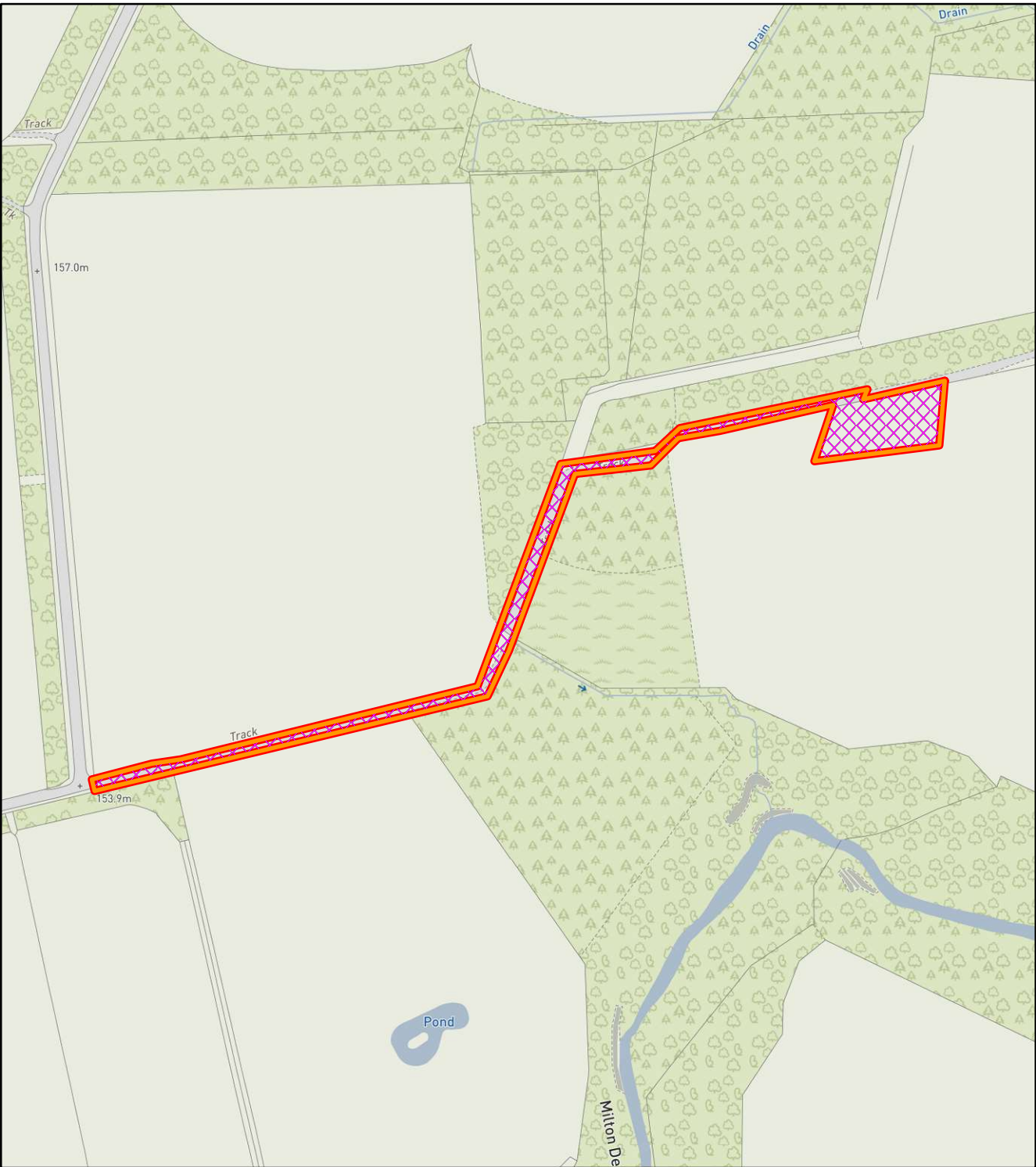
Report prepared by Brian Forsyth, Planner

Report reviewed and agreed by Declan Semple, Lead Officer and Committee Lead

Date Printed 20/10/2022

# 21/03397/PPP

Land 900m west of Sheardrum, Balgonar, Saline



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Legend



Application Boundary

0 15 30 60 90 m



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**Fife**  
COUNCIL

Economy, Planning & Employability Services

**ITEM NO: 9**

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE REF: 21/03396/PPP**

**SITE ADDRESS: LAND 100M WEST OF MEADOW VIEW HILLENDS SALINE**

**PROPOSAL: PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE (CLASS 9) AND ASSOCIATED DEVELOPMENT**

**APPLICANT: MR WILLIAM SHAW  
WEST LETHANS FARM SALINE FIFE**

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

**CASE OFFICER: Brian Forsyth**

**DATE 29/10/2021  
REGISTERED:**

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

This application requires to be considered by the Committee because:

The application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

#### **SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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

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

The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan which provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 sets out themes around sustainability, productivity, liveability, and distinctive places. It is underpinned by six spatial principles.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them will cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

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

## 1.0 BACKGROUND

1.1 The application site relates to an approximately 0.49ha area of non-prime agricultural land adjoining the west side of the A823 distributor road, midway between Powmill and Knockhill Racing Circuit, within an area of countryside and the Cleish Hills Local Landscape Area in terms of the adopted FIFEplan Fife Local Development Plan (2017). It comprises an open and mostly grassed corner of an agricultural field, separated from the A823 by a small area of woodland, as well as a short stretch of the adjacent private agricultural track exiting onto that road. There is a house adjoining the east of the A823, across from the site and woodland, otherwise the surrounding area is open countryside.

## 1.2 PROPOSAL

1.2.1 Planning permission in principle is sought for the erection of a dwellinghouse (Class 9) and associated access and garden ground.

## 1.3 PLANNING HISTORY

1.3.1 There is no relevant recorded planning history for land included within the application site.

## 1.4 APPLICATION PROCEDURES

1.4.1 This is a 'Local' application in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As such, pre-application consultation between the applicant and community has not been required.

1.4.2 A physical site visit has not been undertaken for this application. All necessary information has been collated digitally to allow for full assessment of the proposal. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the application, a submitted photographic survey and online satellite/aerial and street imagery having proven especially helpful.

## 2.0 ASSESSMENT

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

- Principle of Development;
- Design and Visual Impact;
- Residential Amenity;
- Road Safety and Transportation;
- Trees; and
- Sustainability
- Flooding and Surface Water Drainage

## 2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 Scottish Planning Policy (2014) promotes the use of the plan-led system to provide a practical framework for decision-making on planning applications, reinforcing the provisions of Section 25 of the Act.

2.2.2 Policy 1: Development Principles of FIFEplan states that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for the location; or (b) is in a location where the proposed use is supported by FIFEplan. Policies 1, 7: Development in the Countryside and 8: Houses in the Countryside collectively state that development for housing in the countryside will only be supported in certain circumstances, including where it is essential to support an existing rural business.

2.2.3 Supporting text to Policy 8 explains that unplanned sporadic or ad-hoc development in the countryside could result in the gradual erosion of rural landscape character and qualities, this policy to be used to manage the demand for new housing in the countryside, having regard to the way in which it can bring social, environmental, and economic benefits. It is stated that the fact a business is established in a rural area is not enough to justify building a house in the countryside, that the need to have residential accommodation and a continuous presence at the site must be justified, that there must be no potential for using existing accommodation in the area or for the renovation of an existing property, and that there should be no evidence of houses or plots having previously been sold from the farm or business holding to private buyers. To justify a housing proposal, a site selection report is required, showing how the site has been chosen and the stages undertaken to arrive at the chosen location. For housing associated with an existing business the house is expected to be sited so that it fulfils the purpose for which it is intended, and located close to existing buildings, planning permission not to be granted if the house is, amongst other things, in an isolated position or sited at a distance from existing building groups.

2.2.4 Supporting text to Policy 8 also states that information needs to be submitted to allow the proposal to be assessed. For agricultural housing, this needs to include:

- where the farm or business boundaries are;
- the number of existing buildings;
- whether buildings are used or occupied or not;
- the number of workers, where they live and if they are full or part-time;
- the type of work the house is needed for and why; and
- any other information the applicant feels is necessary to justify the proposal.

2.2.5 The supporting Planning Statement submitted with the application explains that the proposed dwellinghouse is required to support an existing farming business. The house would be occupied the owner of the site within an approximately 45 hectare area owned by the business referred to as 'Pow', extending west from the A823.

2.2.6 The supporting agricultural justification report submitted with the application concludes, in summary, that:

- there is a need for the house to allow one of the family to have his own home and to allow the business to grow;
- the labour profile for the business justifies 13 employees based on current agricultural activity;



- given the increase in rural crime, it is recommended that the house is strategically located within the farm's landholdings for improved on-site security purposes;
- the proposed site is located where a significant proportion of the business' breeding ewes are lambed due to the better field conditions (grass growth and quality) and greater shelter provision, and an on-site human presence is important to manage this element of the business; and
- it is essential that key personnel working on the farm live in easily accessible locations to assist with efficient day-to-day activities and decision-making processes involved in running an agricultural business.

2.2.7 The supporting Planning Statement adds that at West Lethans, there are no existing domestic properties that could be refurbished to provide additional accommodation. There are also no redundant traditional buildings there available for conversion (they are still in active use to store machinery, feed etc.). It is acknowledged that the proposed dwellinghouse could be physically accommodated at this location, however, this would not address the ongoing operational issues experienced by the farming business/ partners. For the reasons highlighted in the agricultural justification report, accommodation requires to be provided at the specific proposed location and there are no dwellinghouses associated with the lands here owned by the business.

2.2.8 The application has attracted 11 representations, all supporting the principle of development, concurring in that respect with the submitted supporting Planning Statement and agricultural justification report. There are no objections.

2.2.9 Whilst each planning application must be considered on its own individual merits, in certain circumstances it is appropriate for the planning authority to consider the potential precedent a planning approval may set. A key objective of the above policies is to safeguard rural landscape character and qualities by limiting unjustified development. This objective is premised on the view that an essential characteristic of the countryside is that it is undeveloped and that allowing its further built development gradually erodes that character and qualities, however sympathetic individual proposals.

2.2.10 It is not accepted that the requirement for the proposed dwellinghouse has been fully justified through the submitted supporting Planning Statement, agricultural justification report, etc; the applicant having failed to provide any substantive evidence that the existing rental cottage might not reasonably contribute to meeting the stated housing need into the future, e.g. evidence from the owner and from a surveyor; that legal and financial impediments to conversion of Cultmill and Threepsikes cannot be overcome, e.g. evidence from the third-party track owner and from a surveyor; or that impediments to repurposing buildings at West Lathans cannot reasonably be overcome, e.g. surveyor's report.

2.2.11 A key contention in the applicant's site selection process is that the proposed dwellinghouse should be located where it is proposed because it is where a significant proportion of the business' breeding ewes are lambed due to the better field conditions and greater shelter provision. On-site human presence is important to manage this element of the farm business effectively and efficiently, and with a view to deterring crime. However, in so far as this might justify the proposed dwellinghouse separate from an existing building group, no substantive evidence has been provided in this regard, including no information as to the location and extent of the land in the locality which is farmed but not owned by the business; no information on the nature of the agricultural activity on that rented land, e.g. the extent to which and where any lambing takes place on that land; and no information as to any special or unique crime issues faced by the business in this location, including crime statistics over the period

since land at Pow was purchased in 2019. All which evidence should inform the site selection process and consideration of the merits of the location and principle of the development proposed.

2.2.12 Given the lack of substantive evidence, the applicant has failed to demonstrate the need for the proposed dwellinghouse in this location, at a distance from existing building groups, contrary to the above provisions of policy and guidance in relation to the principle of development. The overall acceptability of the proposal is additionally subject to consideration against the below policies.

## 2.3 DESIGN AND VISUAL IMPACT

2.3.1 Policy 1: Development Principles of FIFEplan states that development proposals must address, and will be supported if, individual and cumulative impacts are addressed; and, amongst other things, the character and qualities of the landscape are safeguarded, the amenity of the local community protected, and the relevant provisions of supporting policies 7: Development in the Countryside, 8: Houses in the Countryside, 10: Amenity and 13: Natural Environment and Access complied with. Collectively, these supporting policies state that development will only be supported if it does not have a significant detrimental impact on amenity, including in relation to visual impact; in all cases, development must be of a scale and nature compatible with surrounding uses and located and designed to protect the overall landscape and environmental quality of the area; development only being supported where it protects or enhances landscape character and views, planning permission not being granted for development of a house on a prominent site. Making Fife's Places Supplementary Guidance (2018) sets out the expectations for developments with regards to design and is also relevant here.

2.3.2 The 11 representations support the development proposals in terms of design/visual impact. Indicative drawings demonstrate that a house design appropriate to the landscape setting of the site can be achieved. The submitted photographic survey demonstrates that, notwithstanding the intervening wooded area between the proposed dwellinghouse and the A823, the development proposals would be open to public view, most particularly from the A823. In the absence of any justification in land use terms (2.2 above refers), the development proposals would contribute unnecessarily and cumulatively to a gradual and unacceptable erosion of the character and qualities of the landscape, exacerbated by the proposals being visible from the A823, contrary to the above provisions of policy and guidance in relation to design/visual impact.

## 2.4 RESIDENTIAL AMENITY

2.4.1 Policy 1: Development Principles of FIFEplan states that development proposals must address, and will be supported if, individual and cumulative impacts are addressed; and, amongst other things, the amenity of the local community is protected and the relevant provisions of supporting policy 10: Amenity complied with. 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; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity. Fife Council's non-statutory 'Garden Ground' customer guidelines are also relevant here.

2.4.2 Several the 11 representations in support mention that there would be no impact on the residential amenity of neighbouring properties. There are no nearby third-party residential

properties other than the house immediately to the east of A823, across from the site and the woodland. The indicative drawings accompanying the application show the proposed dwellinghouse situated on a generous plot that could comply with guidance on garden ground, such that the targets in the above guidelines could be met. As such, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to residential amenity.

## 2.5 ROAD SAFETY AND TRANSPORTATION

2.5.1 Policy 1: Development Principles of FIFEplan states that development proposals must address, and will be supported if, individual and cumulative impacts are addressed; and, amongst other things, the performance or safety of strategic infrastructure is not compromised and the relevant provisions of supporting policy 3: Infrastructure and Services complied with. 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 the cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services; such infrastructure and services may include, amongst other things, local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance (2018). Development proposals require to demonstrate how they will impact on road safety.

2.5.2 Planning Services' Transportation Development Management team (TDM) advises that it has a policy against the formation of new vehicular accesses or the intensification in use of existing accesses on such unrestricted distributor roads outwith established built-up areas. For clarification purposes, the built-up area, from a transportation point of view, is defined as the area within a 20, 30 or 40mph speed limit. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. TDM advises that consideration can be given to setting aside this policy, for example if the case officer accepts the application is justified in terms of providing accommodation for an agricultural worker.

2.5.3 TDM advises that the A823 is subject to a 60mph speed limit and according to the current Fife Council Transportation Development Management Guidelines, 3 metre x 210 metre visibility splays must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, at the junction of the proposed new vehicular access and the public road.

2.5.4 A technical note and visibility splay plan prepared by a consultant have been submitted in support of this application. This includes the results of a traffic count and speed survey undertaken on the A823 public road, as requested by TDM at the pre-application stage. The recorded average 85th percentile of vehicles speeds during the survey were 53.7 mph northbound and 52 mph southbound, respectively. Based on the recorded vehicle speeds, the transport consultant has proposed the provision of a 3m x 192m oncoming splay and a 3m x 186m splay in the other direction (north) at the junction of the access to the site with the public road. This splay is shown in the submitted plan.

2.5.5 The proposed 3m x 192m oncoming splay has been derived by the consultant using a pro rata basis between the splays specified for a 50mph and 60mph road within Appendix G of

Making Fife's Places. However, this approach is not acceptable to TDM as there is a long straight in this direction, therefore, a 3m x 210m splay (for a 60 mph limit) must be provided as per Appendix G. TDM advises the provision of this splay would not be an issue as it can be provided within land in the applicant's control/the public road boundary. Similarly, TDM advises 210m forward visibility must be available for drivers of vehicles turning right into the access from the public road and this is also available within the extents of the public road boundary. TDM advises its concerns can be addressed via the imposition of conditions. In this instance, TDM accepts the proposed pro-rata 3m x 196m splay in the north direction, as this would afford visibility to the bend in the public road at this point. TDM has no objections to approval being granted, subject to the imposition of conditions in relation to interception of surface water run-off from the site, driveway gradient and ground clearance, provision and maintenance of visibility splays, and provision and retention of parking within the site.

2.5.6 Considering the views of TDM, and subject to its recommended conditions of planning permission, it is not considered that the development proposals would give rise to significant detrimental impact in terms of road safety/transportation, according with the above provisions of policy and guidance in relation to same.

## 2.6 TREES

2.6.1 Policy 1: Development Principles of FIFEplan states that development proposals must address, and will be supported if, individual and cumulative impacts are addressed; and, amongst other things, natural heritage is safeguarded, or its loss avoided and the relevant provisions of supporting policy 13: Natural Environment and Access complied with. Policy 13 states that development proposals will only be supported where they protect or enhance natural heritage and access assets including trees that have a landscape, amenity, or nature conservation value. Making Fife's Places Supplementary Guidance (2018) advises that where large semi-mature/mature trees are present on and adjacent to a development site, distances greater than the British Standard will be expected and no new buildings or gardens should be built within the falling distance of the tree at its final canopy height.

2.6.2 The indicative drawings show that development can be accommodated outwith the root protection zones and falling distances of the neighbouring woodland trees. As such, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to trees.

## 2.7 SUSTAINABILITY

2.7.1 Policy 1: Development Principles of FIFEplan states that development proposals must address, and will be supported if, individual and cumulative impacts are addressed; and, amongst other things, natural resources are safeguarded and the relevant provisions of supporting policies 3: Infrastructure and Services and 11: Low Carbon Fife complied with. Collectively, policies 3 and 11 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.

2.7.2 The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications, such as here, will be expected to provide information on the energy efficiency

measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.7.3 A Low Carbon Sustainability Checklist has not been submitted, however, the requirement for one can be made a condition of planning permission. Subject to such a condition, the development proposals are considered to accord with the above provisions of policy and guidance in relation to sustainability.

## 2.8 FLOODING AND SURFACE WATER DRAINAGE

2.8.1 Policy 1: Development Principles of FIFEplan states that development proposals must address, and will be supported if, individual and cumulative impacts are addressed; and, amongst other things, flooding and impacts on the water environment are avoided and the relevant provisions of Policy 12: Flooding and the Water Environment complied with. Policy 12 states that development proposals will only be supported where they can demonstrate they will not, amongst other things, increase flooding or flood risk from all sources on the site or elsewhere, etc.

2.8.2 The site is not within or next to an area identified as subject to flooding in Scottish Environmental Protection Agency flood maps. Surface water drainage can be controlled by conditions of planning permission.

2.8.3 Subject to conditions of planning permission, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to flooding and surface water management.

### CONSULTATIONS

TDM, Planning Services	No objections subject conditions.
Transportation and Environmental Services - Operations Team	No response.
Scottish Water	No objection.

### REPRESENTATIONS

The application has attracted 11 representations, all supporting the principle of development, concurring in that respect with the submitted supporting Planning Statement and agricultural justification report. The representations mention support for the development proposals in terms of design/visual impact. Several the representations mention that there would be no impact on the residential amenity of neighbouring properties. No objections have been received.

### CONCLUSIONS

The development does not accord with the provisions of policy and guidance in relation to the principle of development and design/visual impact. Subject to conditions of planning permission, the development could accord with the provisions of policy and guidance in relation to residential amenity, road safety/transportation, trees, sustainability and flooding and surface water drainage. Overall, the development does not accord with the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

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

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. In the interests of safeguarding the character and qualities of the rural landscape from unplanned, unjustified, sporadic and ad-hoc development; the development proposals being expected to contribute cumulatively to the gradual erosion of that character and those qualities; contrary to the provisions of policies 1: Development Principles, 7: Development in the Countryside, 8: Houses in the Countryside and 13: Natural Environment and Access of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018); which provisions seek to manage the demand for new housing in the countryside.

## **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 Places Supplementary Guidance (2018)  
Low Carbon Fife Supplementary Guidance (2019)

National

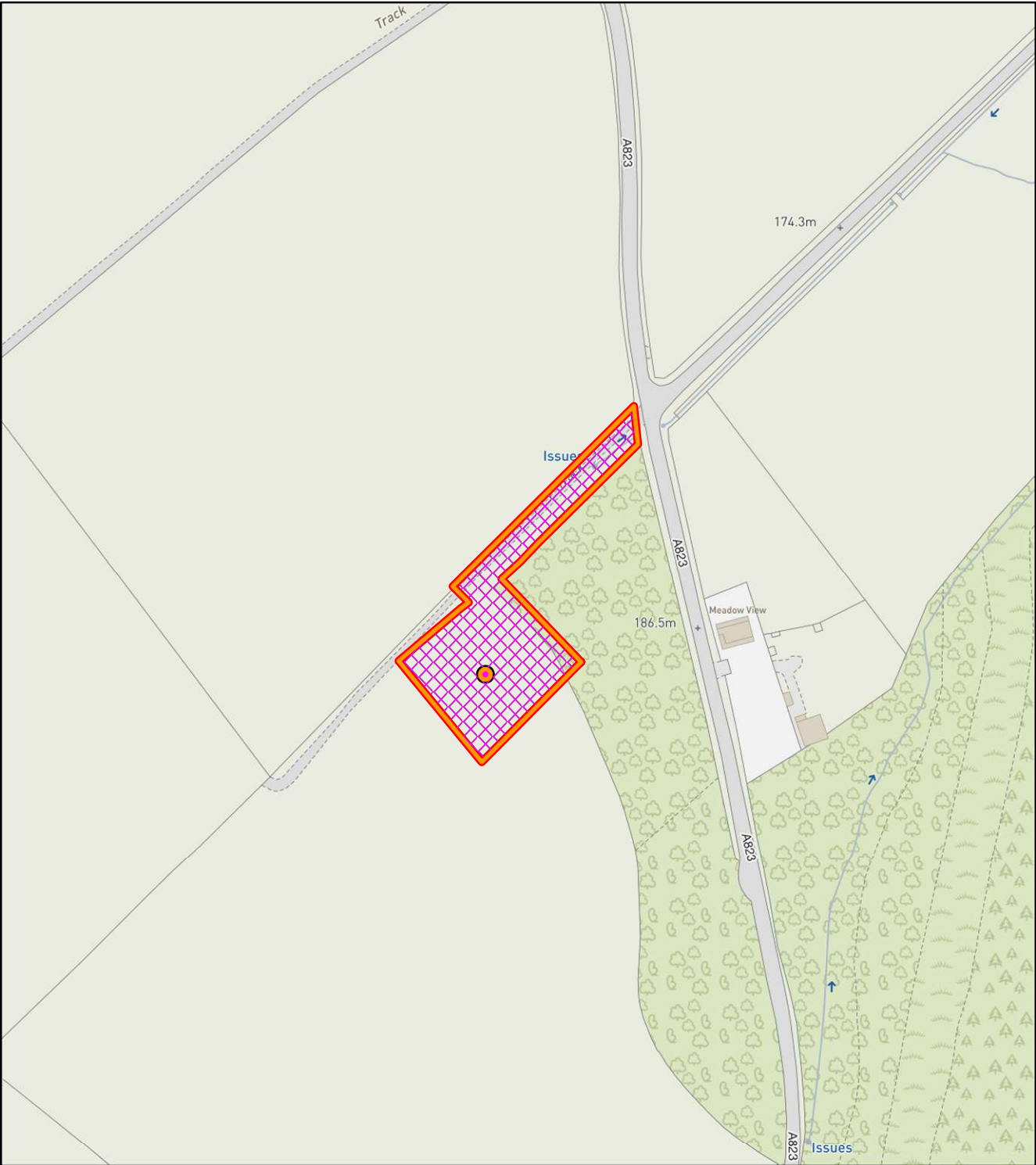
Scottish Planning Policy (2014)

Other

Fife Council non-statutory Garden Ground customer guidelines

Report prepared by Brian Forsyth, Planner and Case Officer  
Report reviewed and agreed by Declan Semple, Lead Officer and Committee Lead

Date Printed 20/10/2022



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