

This meeting will be held remotely.

Wednesday, 12th April, 2023 - 2.00 p.m.

AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

- 3. MINUTE** – Minute of the meeting of West and Central Planning Committee of 15th March, 2023. 5 - 8

- 4. 23/00067/FULL - CLUNY BOND, CLUNY, KIRKCALDY** 9 - 21

Erection of 3 no. maturation warehouses for storage of Scotch whisky within existing maturation site and associated works.

- 5. 22/04156/FULL - LAND TO THE NORTH OF 27 QUEENS MEADOW, COALTOWN OF BALGONIE** 22 - 51

Erection of 80 dwellinghouses with associated vehicular access, roads, suds basin, open space, landscaping and associated supporting infrastructure.

- 6. 22/00076/FULL - VICTORIA WORKS, 147 - 151 ST CLAIR STREET, KIRKCALDY** 52 - 74

Erection of supermarket (Class 1) and associated works (demolition of existing building).

- 7. 22/01113/FULL - LESLIE HOUSE, GLENROTHES** 75 - 84

Proposed conversion of Leslie House to form 24 flats, erection of 8 new build dwellinghouses, associated parking, access, landscaping and drainage (Section 42 application to amend condition 1 of planning permission 18/02425/FULL).

8. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Lists of applications dealt with under delegated powers for the period 20th February to 19th March, 2023

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

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

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Finance and Corporate Services

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5th April, 2023

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BLENDED MEETING NOTICE

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

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

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

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

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

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

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

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

15th March, 2023

2.00 p.m. – 3.50 p.m.

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

ATTENDING: Alastair Hamilton, Service Manager, Katherine Pollock, Lead Professional and Bryan Reid, Lead Professional, Planning Services; Mary McLean, Legal Services Manager and Emma Whyte, Committee Officer, Legal and Democratic Services.

APOLOGY FOR ABSENCE: Councillor Sam Steele.

70. DECLARATIONS OF INTEREST

Councillor Noble declared an interest in Para. 73 - 22/00376/FULL 1 Burnbank Stables, East End Main Street, Star of Markinch - as he was known to one of the objectors.

Councillor Barratt declared an interest in Para. 74 - 22/01021/FULL Land to South of Hill View, Kinglassie - as he had written the flood risk report for the proposed development.

71. MINUTE

The Committee considered the minute of the West and Central Planning Committee of 18th January, 2023.

Decision

The Committee agreed to approve the minute.

72. 21/02406/FULL - THE WINDSOR HOTEL, 38 - 40 VICTORIA ROAD, KIRKCALDY

The Committee considered a report relating to an application for change of use from open space to form beer garden including formation of canopy and erection of fence (retrospective).

Decision

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

73./

Councillor Noble left the meeting prior to consideration of the following item, having earlier declared an interest.

73. 22/00376/FULL - 1 BURNBANK STABLES, EAST END MAIN STREET, STAR OF MARKINCH

The Committee considered a report relating to an application for erection of a workshop.

Decision

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

Councillor Noble rejoined the meeting following consideration of the above item.

Councillor Barratt left the meeting prior to consideration of the following item, having earlier declared an interest and Councillor Glen as Vice-Convener took the chair.

74. 22/01021/FULL - LAND TO SOUTH OF HILL VIEW KINGLASSIE

The Committee considered a report relating to an application for a residential development of 211 units, including 45 affordable units, with associated infrastructure including two vehicular access points, roads, landscaping, playpark and SUDS.

Decision

The Committee agreed:-

- (1) to approve the application subject to the thirty-three conditions and for the reasons detailed in the report; and
- (2) the conclusion of a legal agreement to secure the necessary planning obligations, namely:-
 - (a) a contribution towards Strategic Transport Interventions Measures in line with the Adopted FIFEplan (2017) and Planning Obligations Framework Guidance (2017); and
 - (b) a contribution towards open space and play infrastructure in Kinglassie in line with the Adopted FIFEplan (2017), Making Fife's Places Supplementary Guidance (2018) and Planning Obligations Framework Guidance.

Councillor Beare left the meeting during consideration of the above item.

Councillor Barratt rejoined the meeting following consideration of the above item.

75. 22/02635/FULL - LAND TO NORTH OF KENT STREET, DUNFERMLINE

The/

The Committee considered a report relating to an application for the erection of 59 houses, formation of new access, provision of open space, related infrastructure including SUDs basin, with related works.

Decision

The Committee agreed:-

- (1) to approve the application subject to the twenty-nine conditions and for the reasons detailed in the report;
- (2) to include a condition relating to the use of CCTV to assess the condition of the culvert;
- (3) the conclusion of a legal agreement to secure the necessary planning obligations, namely:-
 - (a) £10,300 towards St Margaret's Roman Catholic Primary School;
 - (b) £286,671 towards the Dunfermline Secondary School solution;
 - (c) £229,276 towards the Strategic Transport Interventions;
 - (d) £65,854 towards Primary School solution at Townhill PS;
 - (e) 25% affordable housing; and
 - (f) Contribution towards the upgrade of Whitefield Road/ Halbeath Road/ Linburn Road junction and Halbeath Road improvements.
- (4) that authority is delegated to the Head of Planning Services in consultation with the Head of Legal and Democratic Services to negotiate and conclude the legal agreement necessary to secure the planning obligations; and
- (5) That should no agreement be reached in relation to the planning obligations within 6 months of the Committee's decision, authority is delegated to the Head of Planning Services in consultation with the Head of Legal and Democratic Services to refuse the application.

Councillor Backhouse left the meeting during consideration of the above item.

76. 22/02717/FULL - LAND ADJACENT TO MAIN STREET CAR PARK AND SOUTH OF WEST ROAD, SALINE

The Committee considered a report relating to an application for the erection of 39 affordable housing units (15 family homes and 24 assisted living), one community hub with associated parking and infrastructure works.

Decision

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

77./

77. 22/04288/PPP - CROMBIE POINT, FIFE

The Committee considered a report relating to an application for planning permission in principle for erection of 2 dwellinghouses with associated garages and access.

Decision

The Committee agreed to continue consideration of the application to a future meeting to allow Officers time to liaise with the applicant to address flood risk mitigation measures.

78. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Decision

The Committee noted the list of applications dealt with under delegated powers for the periods 26th December, 2022 to 22nd January, 2023 and 23rd January to 19th February, 2023.

ITEM NO: 4**APPLICATION FOR FULL PLANNING PERMISSION REF: 23/00067/FULL****SITE ADDRESS: CLUNY BOND CLUNY KIRKCALDY****PROPOSAL: ERECTION OF 3 NO. MATURATION WAREHOUSES FOR STORAGE OF SCOTCH WHISKY WITHIN EXISTING MATURATION SITE AND ASSOCIATED WORKS****APPLICANT: DIAGEO (SCOTLAND) LIMITED
ABERCROMBIE WORKS CALEDONIAN ROAD ALLOA****WARD NO: W5R08
Lochgelly, Cardenden And Benarty****CASE OFFICER: Jamie Penman****DATE 27/01/2023
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The combined floor space of the buildings exceeds 10,000sqm and the site measures more than 2Ha, the proposal is categorised as a Major development, in accordance with 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.

1.1 Background

1.1.1 This application relates to a site measuring 5Ha, which is located within the countryside. The site forms part of an existing maturation warehousing hub, known as Cluny Bond. It is located 1 mile to the east of Cluny and 0.5m to the north of Kirkcaldy. Whilst located within the countryside, the site is allocated in FIFEplan (2017) Local Development Plan (Ref:LWD002). The allocation restricts development on the site to employment uses, specifically Class 6 (Storage & Distribution). Development on the site is substantially complete with 42 out of the 46 warehouses which have been consented, already constructed and operational. A further 4 are currently under construction. The site is surrounded by countryside to the north, east and west with the A92(T) located to the south. A long private access road links the site to the B922 which then allows direct access to the strategic road network. There are isolated houses located around the site with the closest being located 1km to the west. The site's drainage infrastructure has already been constructed with surface water run-off being directed to the existing suds basin towards the north east corner of the site. The wider site is a Health & Safety Executive Hazardous Site Consultation Zone. Core Path P423/01 runs along the eastern boundary of the wider site.

1.1.2 This application is for full planning permission for 3 maturation warehouses. They would be located centrally along the western boundary of the site and would utilise existing supporting site infrastructure which has already been constructed. The warehouses would measure 56m(w) x 119(l) x 13m (h). Each warehouse would have a floor area of approximately 6,700sqm. The warehouses would be finished in a brown aluminium sheeting. They would have various doors, canopies and lighting along their length.

1.1.3 The planning statement submitted with the application details how the existing site operates. It notes that neutral spirit is brought to the site in tankers for case filling. The casks are then transferred into the warehouses for storage. Once the spirit has matured, it is then taken to an off-site bottling plant. The statement notes that the proposed development would not increase the number of vehicle trips to the site per week as the warehouses are only filled/emptied, one cell at a time. The proposed development would allow more casks to be stored on site over a longer term.

1.1.4 Planning history associated with this site includes:

- 11/06093/PAN Erection of warehouse and ancillary development, access road and landscaping
- PAN Agreed with additional consultations - December 2011
- 12/00981/FULL Warehouse and ancillary development, access road and landscaping - Application Permitted with Conditions - September 2012
- 12/01104/HSC Hazardous substances consent for storage and processing of alcohol (ethanol) - Application Permitted with Conditions - October 2012
- 20/00141/PAN Construction of 42 warehouse maturation cells within the existing Cluny Bond warehouse site (Amendment to Approval 12/00981/FULL) - PAN Agreed with additional consultations - February 2020
- 22/03501/PAN Proposal of application notice for 3 no maturation warehouses and associated works - PAN Agreed with additional consultations - October 2022
- 22/03682/HSC Application for Hazardous Substances Consent for storage of additional 62,448 tonnes (Distilled Alcohol - Flammable Liquids P5c) - Pending Decision

1.2 Procedural Matters

1.2.1 The proposal falls within Class 3: Business & General Industry, Storage and Distribution of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As the combined floor space of the buildings exceeds 10,000sqm and the site measures more than 2Ha, the proposal is categorised as a Major development. The applicant has carried out the required Pre-Application Consultation (PAC) through holding public information events (Ref: 22/03501/PAN). A PAC report outlining comments made by the public and the consideration of these in the design process of the proposal has been submitted as part of this application. Overall, the manner of public consultation was considered to be acceptable.

1.2.2 As the application site exceeds 0.5ha, in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development is identified as a 'Schedule 2' development which requires to be screened for EIA. The proposed development was screened by the Planning Authority and it was concluded that an EIA was not required.

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

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

2.1 Planning Assessment

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Road Safety and Sustainable Travel
- Flooding and Drainage
- Contaminated/Unstable Land and Air Quality
- Natural Heritage
- Sustainability
- HSE Major Hazard Site

2.2 Principle of Development

2.2.1 NPF 4 Policy 9 applies and advises that proposals on greenfield sites will not be supported unless the site has been allocated for development. NPF4 Policy 26 (Business and Industry) also applies and aims to encourage, promote and facilitate business and industry uses. It continues to note that development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported. The Chief Planner's letter on February 8, 2023, confirmed that local development plans which are already adopted will continue to be part of the development plan and that for avoidance of doubt, existing LDP land allocations will be maintained.

2.2.2 FIFEplan (2017) Policy 1 (Development Principles) applies and states that development proposals will be supported if they conform to relevant development plan policies and proposals and address their individual and cumulative impacts. Part A of Policy 1 states that the principle of development will be supported if it is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan. Policy 5 (Employment Land and Property) also applies and states that all existing employment areas, and those allocated in FIFEplan as identified on the Proposals Map, will be safeguarded for continued industrial and business use. Policy 5 states that development for industrial or business uses in these areas will be supported only if it is an employment use class consistent with existing or proposed employment activity on the site or neighbouring site. FIFEplan Policy 7 (Development in the Countryside) also applies and states that development in the countryside will only be supported where it is for the extension of established businesses.

2.2.3 Whilst located within the countryside, the site is allocated in FIFEplan (Ref:LWD002). The allocation restricts development on the site to employment uses, specifically Class 6 (Storage & Distribution). The allocation table notes that the wider site has planning permission for a large number of bonded warehouses and associated ancillary development, including tank farm and bulk liquid storage, distribution uses, access road and landscaping. It also states that there is a requirement for a separation strip between the waterbody and built development and a high quality Sustainable Urban Drainage System (SUDS) is required. The table also details green network priorities which include the enhancement of the core path to the east of the site and any development needs to consider the contribution to landscape setting and the potential for biodiversity enhancements.

2.2.4 The wider site has already been developed and is substantially complete in line with the LWD002 allocation requirements detailed in 2.2.3 and the planning history detailed in 1.1.3. This application proposal is for a further 3 (Class 6) warehouses within the allocated site, on land which previously included hard standing and ancillary plant equipment. In accordance with the FIFEplan allocation, the principle of development is therefore acceptable and the ultimate acceptability is subject to further detailed assessment as covered below.

2.3 Design and Visual Impact

2.3.1 NPF 4 Policy 14 (Design, Quality and Place) aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It continues to note that development proposals will be designed to improve the quality of an area whether in urban or rural locations. Furthermore, development will be supported where it is consistent with the six qualities of successful places which includes: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable.

2.3.2 FIFEplan (2017) Policies 1, 10 (Amenity) 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.

2.3.3 The 3 proposed warehouses would be located centrally along the western boundary of the site and would utilise existing supporting site infrastructure which has already been constructed. The proposal would increase the number of consented warehouses on the site from 46 to 49. The warehouses would measure 56m(w) x 119(l) x 13m (h). Each warehouse would have a floor area of approximately 6,700sqm. The warehouses would be finished in a brown aluminium sheeting. They would have various doors, canopies and lighting along their length. The warehouses would have a similar appearance to all other warehouses on the site and would be viewed within the context of the existing development. Due to the topography of the land, views of the site are limited from main public vantage points (B981). As such, no significant concerns are raised with regard to the visual impact of the proposal on the surrounding area.

2.3.4 The proposal therefore complies with NPF4, FIFEplan and Making Fife's Places.

2.4 Residential Amenity

2.4.1 NPF4 Policy 26 (Business and Industry) applies and aims to encourage, promote and facilitate business and industry uses. It notes that development proposals for business and industry will take into account its impact on surrounding residential amenity. NPF Policy 23 (Health and Safety) also applies and aims to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. It states that development proposals that are likely to raise unacceptable noise issues will not be supported and that the agent of change principle applies to noise sensitive development. Policy 23 advises that a Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

2.4.2 FIFEplan (2017) Policies 1, 10 (Amenity) 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.

2.4.3 Given the existing operations at the site and that the proposed development would not increase the intensity/frequency of these activities, no significant concerns would be raised with regard to increased noise levels from the development. Furthermore, given the distance that separates the development from the nearest dwelling (1km), no residential amenity concerns would be raised with regard to overshadowing or privacy.

2.4.4 The proposal therefore complies with NPF4, FIFEplan and Making Fife's Places.

2.5 Road Safety and Sustainable Travel

2.5.1 NPF 4 Policy 13 (Sustainable Transport) aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Policy 13 advises that development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact.

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

2.5.3 The site would be accessed via the existing junction on the B981 and existing access road. The supporting statement notes that the proposed development would not increase the number of vehicle trips to the site per week as the warehouses are only filled/emptied, one cell at a time. It details that once the site is fully operational, there would be approximately 25 bulk road tankers per week travelling between Cameron Bridge and the site.

2.5.4 Fife Council's Transportation Development Management Team has been consulted on the application and has advised that they have no objections to the proposal.

2.5.5 Given the proposal would have no significant impact on the volume of vehicle movements to/from the site and that no alterations to the access junction are being made, no significant road safety concerns are raised. The proposal therefore complies with NPF4, FIFEplan and Making Fife's Places.

2.6 Flooding and Drainage

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

2.6.2 FIFEplan (2017) Policies 1, 3 (Infrastructure and Services), 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.

2.6.3 The supporting statement details that the proposed 3 warehouses would connect into the existing site drainage infrastructure. It details that there is an existing SUDS pond located to the north east of the site where surface water run-off is directed to, retained and then discharged at a restricted rate into the River Ore. The supporting statement notes that the area where the warehouses are proposed is already an impermeable surface and there is sufficient capacity in the existing suds basin to accommodate the additional warehouses.

2.6.4 Fife Council's Structural Services Team and Scottish Water have been consulted on this proposal and raised no concerns.

2.6.5 The proposal would not increase the risk of flooding within or around the site. It would also connect into an existing sustainable urban drainage network. The proposal therefore complies with NPF4, FIFEplan and Making Fife's Places.

2.7 Contaminated/Unstable Land and Air Quality

2.7.1 NPF4 Policy 9 applies and sets out that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. Policy 23 (Health and Safety) aims to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. Policy 23 details that development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.

2.7.2 FIFEplan (2017) Policies 1, 10 (Amenity) 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.

2.7.3 The site has already been subject to development and any potential contaminated land/land stability issues have been remediated through previous consents. Both Fife Council's Land & Air Quality Team and the Coal Authority have been consulted on the proposal and have raised no objections.

2.7.4 The proposal therefore complies with NPF4, FIFEplan and Making Fife's Places.

2.8 Natural Heritage

2.8.1 NPF 4 Policies 1 (Tackling the Climate and Nature Crisis), 3 (Biodiversity) and 4 (Natural Places) apply. Policy 1 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, with the policy setting out that when considering all development proposals, significant weight will be given to the global climate and nature crises. Policy 3 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 3 states that development proposals will contribute to the enhancement of biodiversity and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Policy 3 notes that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. It states that measures should be proportionate to the nature and scale of development and that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. Policy 4 aims to protect, restore and enhance natural assets making best use of nature-based solutions. It states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

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

2.8.3 The site has already been subject to development and currently consists of hardstanding and plant equipment. The site has no biodiversity value and as such, the proposal would have no further impact on natural heritage. As part of the originally approved scheme (12/00981/FULL), significant biodiversity enhancement measures were undertaken across the wider site which included hedge planting, tree and shrub planting and the creation of a new wetland habitat towards the northeast corner of the site.

2.8.4 The proposal therefore complies with NPF4, FIFEplan and Making Fife's Places.

2.9 Sustainability

2.9.1 NPF4 (2023) Policy 1 (Tackling the Climate and Nature Crisis) states that when considering all development proposals significant weight will be given to the global climate and nature crises, with Policy 2 (Climate Mitigation and Adaptation) aiming to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Policy 12 (Zero Waste) aims to encourage, promote and facilitate development that is consistent with the waste hierarchy. Policy 13 (Sustainable Transport) aims

to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

2.9.2 Policy 11 (Low Carbon) of the Adopted FIFEplan states that planning permission will only be granted for new development where it has been demonstrated that: 1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 20% of these savings from 2020. Policy 11 notes that all development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars. Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that all local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal and major developments are required to provide an energy statement of intention which sets out how the proposal will meet the requirements of Policy 11. An Energy Statement of Intention is required for major applications.

2.9.3 The proposed warehouses will neither be heated or cooled and as such, no low carbon technology is required. The proposal therefore complies with NPF4, FIFEplan and Making Fife's Places.

2.10 HSE Major Hazard Site

2.10.1 NPF 4 Policy 23 aims to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. It states that development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.

2.10.2 Schedule 5 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 requires the Health and Safety Executive be consulted where development is within an area which within the vicinity of toxic, highly reactive, explosive or inflammable substances and which involves the provision of residential accommodation.

2.10.3 As the application site is an existing Health and Safety Executive Major Hazard Site, the Health and Safety Executive's web application was consulted. The parameters of the development were input into the app which ultimately advised that it does not advise against the development on safety grounds.

2.10.4 The proposal therefore complies with NPF4, FIFEplan and Making Fife's Places.

CONSULTATIONS

| | |
|--|----------------|
| Scottish Water | No objections. |
| Land And Air Quality, Protective Services | No objections. |
| Structural Services - Flooding, Shoreline And Harbours | No objections. |
| TDM, Planning Services | No objections. |
| The Coal Authority | No objections. |

REPRESENTATIONS

None.

CONCLUSIONS

The application proposal is for 3 additional (Class 6) warehouses on land allocated for that specific use. The proposal is part of a wider warehouse complex which has already been substantially completed. The proposal would see the total number of consented warehouses on the site rise to 49, with 42 of them already being constructed and in use. Given the existing developed and operational context of the site, the proposal would raise no significant concerns in terms of its visual or residential amenity impact. Furthermore, no changes are proposed to the existing access infrastructure and the additional units would not increase the intensity of the consented use, thereby raising no road safety concerns. Through previous consent, remedial measures have already been undertaken with regard to contaminated/unstable land. Furthermore, the proposal would connect into the existing site suds infrastructure, ensuring no flooding impact. Given the existing developed nature of the site, no biodiversity impact concerns are raised. The application proposal is therefore acceptable and in compliance with NPF4, FIFEplan and Making Fife's Places. The application is therefore recommended for conditional approval.

RECOMMENDATION

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

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

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

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

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

site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

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

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance and Legislation:

PAN 33: Development of Contaminated Land

PAN 1/2011 Planning and Noise

Development Plan:

National Planning Framework 4 (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

Other Guidance:

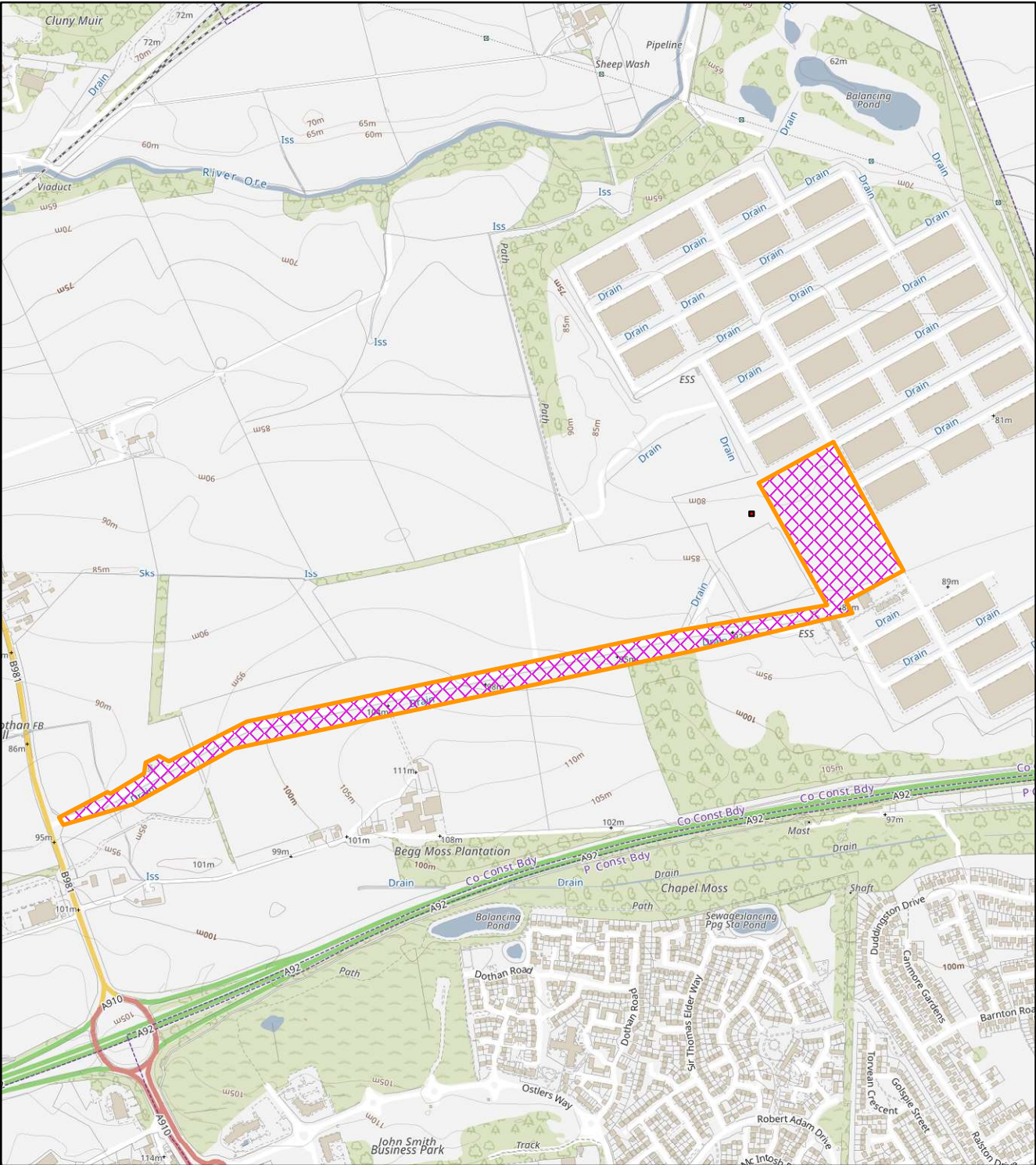
Fife Council Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note

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

Report prepared by Jamie Penman - Planner

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

Date Printed 02/03/2023



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Legend

 Application Boundary

0 60 120 240 360



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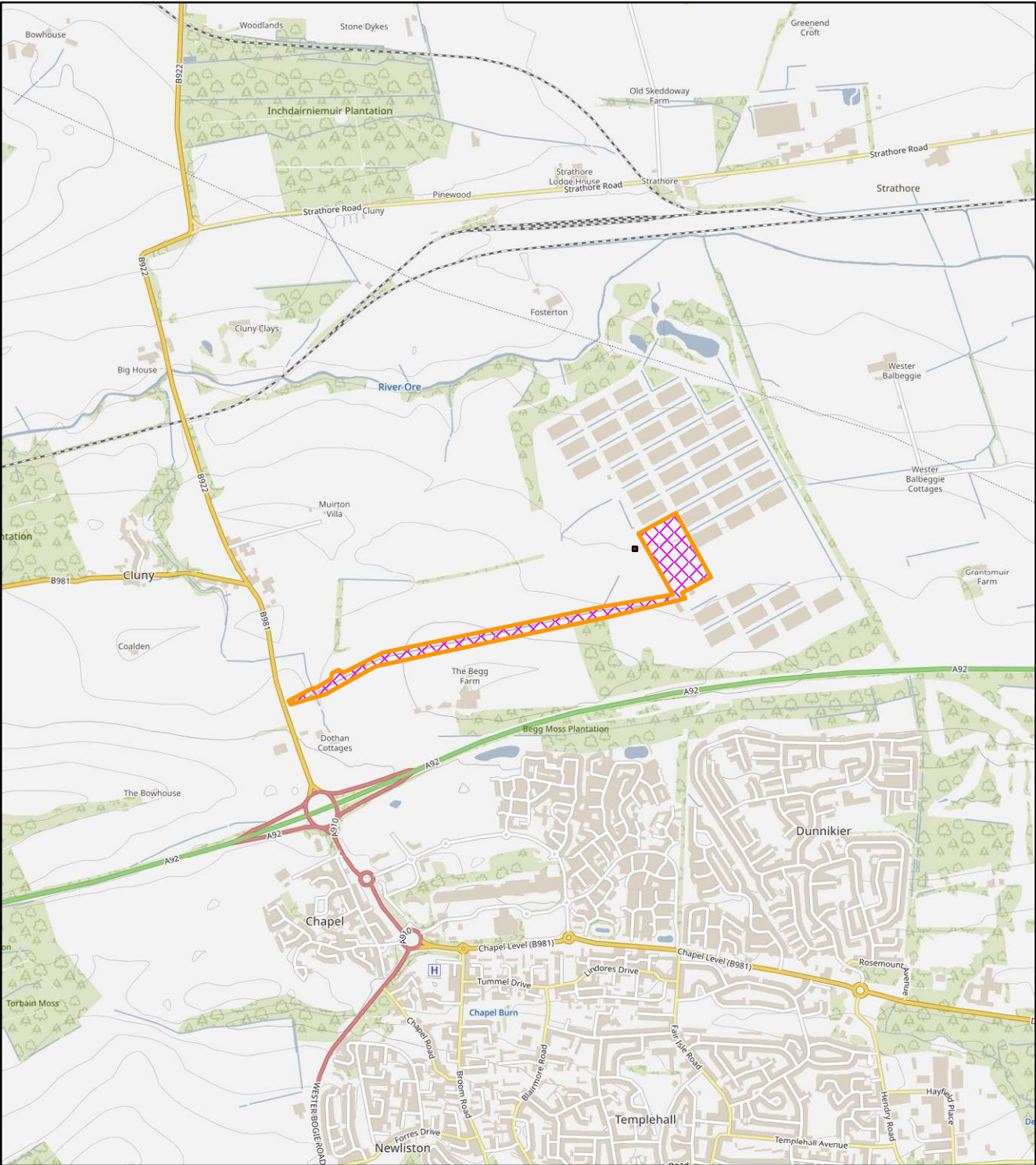
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Fife
COUNCIL

Economy, Planning & Employability Services

Cluny Bond Cluny Kirkcaldy



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Legend

 Application Boundary

0 120 240 480 720

 m





Fife
COUNCIL

Economy, Planning & Employability Services

ITEM NO: 5**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/04156/FULL****SITE ADDRESS: LAND TO NORTH OF 27 QUEENS MEADOW COALTOWN OF
BALGONIE****PROPOSAL: ERECTION OF 80 DWELLINGHOUSES WITH ASSOCIATED
VEHICULAR ACCESS, ROADS, SUDS BASIN, OPEN SPACE,
LANDSCAPING AND ASSOCIATED SUPPORTING
INFRASTRUCTURE.****APPLICANT: MR SCOTT MCKECHNIE
UNIT 17 EASTFIELD BUSINESS PARK NEWARK ROAD
SOUTH****WARD NO: W5R15
Glenrothes Central And Thornton****CASE OFFICER: Jamie Penman****DATE 21/12/2022
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The application site measures more than 2Ha and more than 50 units are proposed. The proposal is therefore categorised as a Major development in accordance with The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Furthermore, more than 5 representations have been received which are contrary to the Case Officer's recommendation. The Community Council has also objected as a Statutory Consultee.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional approval requiring a legal agreement

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.1 Background

1.1.1 This application relates to FIFEplan Local Development Plan 2017 (FIFEplan) allocated site CLB003 which is located within the settlement boundary of Coaltown of Balgonie. The application site measures approximately 4.3Ha and is located to the north of Queens Meadow, along the northern boundary of the existing settlement. The application site is greenfield land and currently consists of rough grassland. There are areas of trees/hedging within the site and along its boundaries. The site is generally flat with a gentle slope down towards its north-eastern boundary. Agricultural fields bound the site to the north and west, a country track, King George's Field and Coaltown of Balgonie Primary School (Category C Listed Building) are located to the east and existing residential properties located within Queens Meadow are located to the south. The site is accessed via the internal road network of Queens Meadow which has a junction onto the B9130 Main Street. The application site is defined as prime agricultural land which has moderate climate limitations. It is also located within a Coal Authority low risk area. Core path P399/05 passes the site along its eastern boundary. The closest bus stops to the site are located on Main Street, approximately 350m from the site entrance. Coaltown of Balgonie benefits from having a primary school which is located next to the application site. It also has a convenience store, public house, bowling green and a car maintenance garage, all located on Main Street.

1.1.2 This full planning application is for the erection of 80 dwellinghouses and associated supporting infrastructure. A mix of both detached and semi-detached dwellings are proposed which consists of 48 bungalows and 32 two-storey homes. Finishing materials for the proposed dwellinghouses include a mix of grey and buff brick, an off-white dry dash render and red and grey roof tiles. All properties would benefit from a small front garden and a larger rear private garden. Each property would also be equipped with ground-source heat pumps and electric vehicle charging points. A single point of access into the site is being provided from Queens Meadow and two pedestrian only accesses are being provided along the eastern boundary of the site. Whilst being a cul-de-sac, a loop road is provided within the site itself, with the proposed dwellings providing an active frontage onto either the street, parking courts, areas of open space or footpaths. A corridor of open space has been provided centrally within the site, with narrower corridors located along the southern and northern boundaries. A suds basin is also proposed towards the northeast corner of the site. A mix of parking types are proposed, including in-curtilage, both to the front and side of dwellings. A communal parking court has also been provided. A mix of boundary treatments will also be provided which includes low post + wire fencing with hedging along the northern, eastern and western boundaries. A mix of fencing, walls and hedging will also be provided within the site itself. The indicative landscaping shows areas of landscaping being provided throughout the site.

1.1.3 Planning history associated with this site includes:

- 22/00213/PAN Proposal of Application Notice for residential development and associated infrastructure - Agreed February 2022
- 22/00214/SCR Screening request for residential development and associated infrastructure - EIA Not Required February 2022

1.2 Procedural Matters

1.2.1 The proposal falls within Class 2: Housing of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As more than 50 units are proposed, the proposal is categorised as a Major development. The applicant has carried out the required Pre-Application Consultation (PAC) through holding public information events (Ref: 22/00213/PAN). A PAC report outlining comments made by the public and the consideration of these in the design process of the proposal has been submitted as part of this application. Overall, the manner of public consultation was considered to be acceptable.

1.2.2 As the application site exceeds 0.5ha, in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development is identified as a 'Schedule 2' development which requires to be screened for EIA. The proposed development was screened by the Planning Authority in February 2022 (Ref: 22/00214/SCR), where it was concluded that an EIA was not required.

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

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

1.2.5 A site visit was undertaken on 23.12.2022. Drone footage and google maps have also been utilised to assess this application.

2.1 Planning Assessment

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Road Safety and Sustainable Travel

- Flooding and Drainage
- Contaminated/Unstable Land and Air Quality
- Natural Heritage and Trees
- Sustainability
- Planning Obligations
 - Affordable Housing
 - Education
 - Open Space and Play Areas
 - Public Art
 - Strategic Transport Interventions
- Archaeology
- Development of Prime Agricultural Land

2.2 Principle of Development

2.2.1 NPF 4 Policy 9 applies and advises that proposals on greenfield sites will not be supported unless the site has been allocated for development. NPF4 Policy 16 (Quality Homes) also applies and aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. It continues to note that development proposals for new homes on land allocated for housing in LDPs will be supported. The Chief Planner's letter on February 8, 2023, confirmed that local development plans which are already adopted will continue to be part of the development plan and that for avoidance of doubt, existing LDP land allocations will be maintained.

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

2.2.3 Submitted representations raise concerns regarding the development of a greenfield site.

2.2.4 Whilst the application site is greenfield land, it is allocated in the Local Development Plan as a housing opportunity site (CLB003) which has an estimated capacity of 50 units. Given the application site is both located within the settlement boundary of Coaltown of Balgonie and is allocated for the specific land use being applied for, the general principle of development for this proposal can be accepted. Whilst the application proposes 80 units, which is 30 more than the noted estimated capacity, it is important to note that the settlement table within FIFEplan is only an estimate. The ultimate acceptability as to whether the site can accommodate the number of units being applied for will be considered in full within the remainder of this report.

2.2.5 The proposal therefore complies in principle with NPF4 and FIFEplan Policy 1, and is acceptable subject to compliance with the additional detailed policies as set out below.

2.3 Design and Visual Impact

2.3.1 NPF 4 Policy 14 (Design, Quality and Place) aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It continues to note that development proposals will be designed to improve the quality of an area whether in urban or rural locations. Furthermore, development will be supported where it is consistent with the six qualities of successful places which includes: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. NPF 4 Policy 4 (Natural Places) applies and aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 4 states that development proposals will contribute to the enhancement of biodiversity and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Policy 7 (Historic Assets and Places) also applies and aims to protect and enhance historic environment assets and places. Policy 7 advises that development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

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

2.3.3 Submitted representations raise concerns with the design of the proposed development. Objections note that the proposal would not fit in with the surrounding area, namely the properties within the Queens Meadow estate. Comments highlight that the development is inappropriate in terms of density, scale, size and design.

2.3.4 Whilst the application site is an allocated housing site and is located within the defined settlement boundary of Coaltown of Balgonie, it has a sensitive edge of settlement location along the northern boundary of the settlement. Its visual impact on both the existing settlement and on its countryside setting must be fully considered. The FIFEplan CLB003 settlement table does not outline any design requirements but does estimate a site capacity of 50 units.

2.3.5 The application proposal is for 80 units. In simple design terms, the submitted proposed site plan shows that the site is capable of accommodating the number of units proposed. A single point of access into the site is being provided from Queens Meadow and two pedestrian only accesses are being provided along the eastern boundary. Whilst being a cul-de-sac, a loop road is provided within the site itself, with the proposed dwellings providing an active frontage onto either the street, parking courts, areas of open space or footpaths. A central corridor of open space has been provided within the site, with smaller corridors located along the southern

and northern boundaries. A suds basin is also proposed towards the northeast corner of the site. A mix of both detached and semi-detached dwellings are proposed which consists of 48 bungalows and 32 two-storey homes. Finishing materials for the proposed dwellinghouses include a mix of grey and buff brick, an off-white dry dash render and red and grey roof tiles. All properties would benefit from a small front garden and a larger rear private garden. Each property would also be equipped with ground-source heat pumps and electric vehicle charging points. A mix of parking areas are provided which include in-curtilage, both to the front and side of dwellings and a communal parking court has also been provided. A mix of boundary treatments have also been provided which includes low post + wire fencing with hedging along the northern, eastern and western boundaries. A mix of fencing, walls and hedging will also be provided within the site itself. The indicative landscaping shows areas of landscaping would also be provided throughout the site. Whilst a finalised landscaping plan has not been submitted, one has been requested by condition, which shall include maintenance details.

2.3.6 The applicant has submitted a Design and Access Statement which considers the site's context. In terms of the site's landscape setting, it sets out that the site is limited in terms of notable features, other than having an open aspect to the north with unrestricted views towards the Lomond Hills. It recognises that Coaltown of Balgonie has a mix of housing styles which includes traditional mining cottages but also has areas of more modern housing developments, including the adjacent Queens Meadow estate. It notes that the Queens Meadow estate typically consists of a modern road layout and suburban housing. The Design and Access Statement advises that the proposal has been designed to complement the neighbouring Queens Meadow Estate. It notes that regular and irregular street patterns and a mix of house types with varying roof heights have been proposed to ensure the development achieves its own distinctive character and identity. The Design and Access Statement also considers unit density within the site. It notes that a density of 18 houses per hectare is proposed which is less than the industry standard of 24 houses per hectare. The proposed site density has also been compared against Queens Meadow which equates to 16.9 houses per hectare.

2.3.7 Upon assessing the proposal against NPF4's 6 qualities of successful places, the site plan does represent a Healthy and Pleasant place. Safety has been promoted through the use of active overlooking and a natural environment has been provided within built spaces, through provision of open space and good links to the core path network and to other areas of open space within the surrounding area. A Connected place has been achieved by making the site easy to move through, around and beyond. Whilst the site does only include one vehicular access point, a loop road has been provided within the site along with the provision of additional pedestrian links. Coaltown of Balgonie does not have a predominant house type style with a mix of both traditional and modern properties. The proposal would represent a modern development but through the use of high-quality building materials, a variation in property types in terms of siting, scale and design and through the use of appropriate boundary treatments, the proposal would represent a Distinctive development. Whilst the finishing materials would be different to those within the neighbouring Queens Meadow Estate, it is considered that their modern nature would contrast well and raise no significant concerns. The Distinctiveness of the proposal would be reinforced by allowing views through the site out into the countryside and towards the Lomond Hills. A Sustainable place has been achieved through ensuring climate resilience and integrating landscaping, biodiversity enhancement measures and low carbon technologies throughout the site. The proposal would also be adaptable through allowing flexibility within individual housing plots, but also within open spaces and with regard to the surrounding road network by allowing links which could enable future development. When viewed from the surrounding countryside, the development would read as a natural extension to the settlement,

with houses looking out onto the countryside. The development boundaries would also be softened through the use of post and wire fencing with hedging.

2.3.8 Coaltown of Balgonie Primary School is a category C listed building and is located along the eastern boundary of the site. A buffer of approximately 20m has been provided between the school and the nearest proposed dwelling. Whilst the school is currently mostly surrounded by open countryside, this would not appear to be a significant factor in the schools listing. The proposed development would have an impact on the setting of the listed building when taking into consideration the undeveloped nature of the site, however, its impact would not be deemed significant due to the separation distances that have been provided. The setting of the listed building is therefore considered to be preserved.

2.3.9 The proposal would raise no significant design or visual impact concerns and is therefore in compliance with NPF4, FIFEplan and Making Fife's Places in this regard.

2.4 Residential Amenity

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

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

2.4.3 Submitted representations raise a variety of residential amenity concerns. Comments note that proposed properties along the northern boundary of the Queens Meadow Estate would impact on existing levels of privacy and would also lead to increased levels of overshadowing. Concerns are also raised with regard to potential light pollution and air quality impacts. Objections also consider that the development would create adverse impacts during the construction period in terms of noise and pollution. Representations also state that noise levels within the Queens Meadow Estate would also increase due to increased levels of traffic generated by the development.

2.4.4 The proposed site plan presents a development which has been planned to avoid any significant overshadowing or privacy impacts, both with regard to properties within the site and existing properties along the site's southern boundary. A total of 6 properties are proposed along the immediate boundary with Queens Meadow. Given the proposed properties would be located to the north of the boundary, no significant concerns would be raised in terms of overshadowing of existing gardens areas. Due to the proximity of Plot 14 in relation to No. 32 Queens Meadow, a 25-degree daylight to window assessment was requested. This was subsequently submitted by the application which showed the arrangement of Plot 14 would pass the 25-degree assessment and as such, have no significant impact on daylight levels to the existing window. Loss of daylight to windows serving No.26 Queens Meadow was also considered, however, due to the proposed separation distances, no significant impacts are envisaged. In terms of privacy, 3 out of the 6 proposed properties would be single storey bungalows and as such, when also considering separation distances of 18m have been met, these properties raise no significant privacy impacts/window to window conflicts. The remaining 3 properties are two-storeys in height, however, they include no windows which serve habitable rooms on their southern elevations, thereby raising no significant privacy issues.

2.4.5 Fife Council's Garden Ground Guidelines advises that each house should be provided with 100sqm of private garden ground. A review of the proposed site plan has been undertaken which demonstrates a range of garden ground sizes across the site. The smallest gardens are around 50sqm and the largest around 300sqm. In total, 28 gardens measure more than 50sqm but less than 75sqm, 8 measure between 75sqm and 100sqm and there are 44 gardens that measure over 100sqm. Approximately 50% of the proposed units therefore do not meet the 100sqm guideline and this issue was raised with the applicant. The applicant has advised that the smaller gardens have generally been attributed to the smaller dwellings. The applicant noted that through their experience in developing other sites in Fife, there is a market for properties with smaller garden ground areas and that a reduced maintenance burden is seen as a selling point for future purchasers. Whilst the garden ground guideline has not been met for all properties, it is considered that the smallest gardens are of a sufficient size for domestic activities. Furthermore, the average garden ground size across the site is approximately 125sqm, resulting in an overprovision when the site is assessed as a whole, no significant overdevelopment concerns would therefore be raised in this regard. The proximity and good provision of open space within and close to the site must also be recognised. There is also good access to the countryside via the Core Path network.

2.4.6 As with any development, there is likely to be some temporary disruption to adjacent residential properties during the construction period. It is considered however that this can be satisfactorily managed through the submission and implementation of a Construction Management Plan which has been added as a condition to this report. This would be reviewed in consultation with Fife Council's Environmental Health Team. If unacceptable impacts did arise during the construction period, Fife Council's Environmental Health Team may be able to take appropriate action in accordance with legislation relevant to their department. It is understood that there is limited scope for a separate haul road to be created in order to separate construction traffic from existing residential traffic. Any Construction Management Plan should detail delivery times and detail how any potential adverse impacts would be avoided.

2.4.7 A railway line is located approximately 100m to the east of the site. Fife Council's Environmental Health Team advised that a Noise Impact Assessment (NIA) was required in order to fully understand potential railway traffic noise impacts on the development. This was subsequently prepared and submitted by the applicant and noted that no mitigation to reduce railway noise within the development was required. However, the NIA did note that Plot 20 may

be impacted by potential noise from the adjacent schoolyard and that consideration should be given to shield the amenity area. This was discussed with the applicant who advised that a 1.8m feature wall would be erected along the eastern boundary and thereby mitigate any potential residential amenity impact. Fife Council's Environmental Health Team were then reconsulted to review the findings of the Noise Impact Assessment and advised that they agree with the findings of the assessment.

2.4.8 The proposed development would increase traffic levels through the Queens Meadow Estate, however, this is an existing residential road with a 20mph speed limit. Whilst the increase in road traffic volumes/noise would initially be noticeable, it would raise no significantly adverse residential amenity impacts.

2.4.9 The application site is located within the settlement boundary and next to an existing housing estate which already includes streetlighting. Due to the nature of lighting which would be installed as part of the development, in that it would be limited to street lighting columns, no significant light pollution concerns would be raised. The submission of a lighting plan has been conditioned to ensure no significant residential amenity impacts arise.

2.4.10 The proposal would raise no significant residential amenity impact concerns and is therefore in compliance with NPF4, FIFEplan and Making Fife's Places.

2.5 Road Safety and Sustainable Travel

2.5.1 NPF 4 Policy 13 (Sustainable Transport) aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Policy 13 advises that developments should provide active travel infrastructure and that development proposals will be supported where it can be demonstrated they provide safe links to local facilities and will be accessible by public transport. Policy 15 (Local Living and 20 Minute Neighbourhoods) also applies and aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. Policy 20 advises that development proposals should contribute to local living including (but not limited to) local access to sustainable modes of transport including local public transport and safe, high-quality walking, wheeling and cycling networks, schools, playgrounds, employment and shopping.

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

2.5.3 Submitted representations raise concerns with the proposed single point of vehicular access into the site and that this would result in all future vehicular traffic routing through the Queens Meadow Estate. Comments note that this would create an unsafe environment within the existing estate and that the existing junction onto Main Street already experiences capacity issues. Objections detail that the junction onto Main Street is unsafe and that the required visibility splays are not available. Concerns highlight that Main Street currently experiences a high volume of traffic and congestion is a regular occurrence due to the level of on-street parking. Objectors note that traffic generated by the proposed development would increase traffic levels through the village and exacerbate existing road safety issues. Some concerns have also been raised with regard to the validity of the submitted Transport Statement and the data which it has used.

2.5.4 The application site is accessed via a single point of vehicular access which routes through the neighbouring Queens Meadow Estate from Main Street. A further 2 points of pedestrian only access have been provided along the eastern boundary of the site which link to Core Path P399/05. Whilst the application site would extend an existing cul-de-sac, a loop road has been provided within the site itself. Off-street parking has been provided within the site. A mix of off-street in-curtilage parking, to the front and side of dwellings and a parking court has been provided.

2.5.5 A Transport Statement (TS) has been submitted with the application and it notes that the application site is in a sustainable location, with good access to walking, cycling and public transport links. The TS notes that given the site's proximity to local infrastructure, the provision of pedestrian links and through good access to public transport, the proposal complies with relevant sustainable travel policies. The TS notes that all amenities within Coaltown, including access to local bus stops (Stop ID: 34328356 & 34328348), are within a 6-minute walk from the site. The TS notes that a direct bus service (M4) which serves Glenrothes Town Centre, Leven Town Centre and Markinch Train Station routes through Coaltown with services running every 30 minutes until the early evening. Afterwards a service (45) which links Glenrothes Town Centre and Markinch Train Station runs hourly. The TS also notes the proximity of Markinch Train Station and Glenrothes with Thornton Train Station which are located 2.6km and 3.6km away from the site respectively. Markinch Train Station provides access to the east coast line which links Edinburgh, Dundee and Perth with services running every 25-40 minutes. Glenrothes with Thornton provides access to the Fife Circle providing access to numerous stations within Fife and then onto Edinburgh. These services run every 30 minutes.

2.5.6 The TS details the local road network and states the B9130 (Main Street) provides the main east/west route through Coaltown of Balgonie and has a width of between 7.3m and 8m along its length. The TS is informed by an accident analysis, which confirms that no accidents have been reported within the last 5 years. The TS notes that on-street parking is provided at various locations and the road is subject to a 20mph speed limit. There are also traffic calming features along its length, with continuous footways also being provided. A zebra pedestrian crossing is also available between the Queens Meadow junction and the local shop. The TS describes the Queens Meadow/Main Street junction as a standard priority junction which has a width of 5.5m with footways and lighting on both sides. The TS considers the junction visibility to be good, however, it does note that on-street parking around the junction can affect the movement of traffic along Main Street which can cause delays. The TS states that the existing Queens Meadow Estate has 40 houses (39*) and all houses generally have off-street parking which in turn, limits on-street parking within the estate itself.

2.5.7 The TS has considered the development's trip generation and estimates that it would generate approximately 128 two-way person trips during the AM peak (08:15 - 09:15) and 116 two-way person trips during the PM peak (16:30 - 17:30). Approximately 66% of these would be car trips which equates to 70 and 64 respectively. The TA notes a traffic survey was undertaken at the Main Street/Queens Meadow junction in order to ascertain the existing trip generation from the Queens Meadow Estate. The survey recorded 28 two-way vehicle trips during the AM peak and 37 two-way vehicle trips during the PM peak from the 39 dwellings. The TA compared the surveyed trips of the Queens Meadow Estate against the predicted trips of the development and it was found that the trip rates used to estimate the proposed development traffic was higher than the surveyed trip rate during the AM peak but lower in the PM peak. For the purposes of the Traffic Impact Assessment of the Main Street/Queens Meadow junction, the higher figure of each trip rate was used in order to assess a worst-case scenario. The junction capacity assessment of the Main Street/Queens Meadow junction showed that it is predicted to operate satisfactorily during all future year scenarios and the TS concludes that the proposed development would have no significant impact on the safe operation of the junction.

2.5.8 Fife Council's Transportation Development Management Team (TDM) was consulted on the application and has advised that the development would result in the Queens Meadow/Main Street junction serving approximately 120 houses. TDM note that it would theoretically be possible to provide a second point of vehicular access onto School Road, however, it would introduce traffic onto a narrow carriageway which has narrow footways. TDM note that one of the pedestrian only accesses along the eastern boundary can be constructed as a share path, which could also provide emergency vehicular access. TDM initially raised some technical concerns with the submitted site layout and most of the issues have since been rectified by the applicant. TDM also confirmed that the level of parking within the site is acceptable. Ultimately, TDM raised no significant concerns with the proposal. No significant concerns have been raised with regard to additional traffic from the development routing through Queens Meadow Estate or with regard to the additional traffic having a detrimental impact on the capacity of the Queens Meadow/Main Street junction. TDM have recommended the proposal for approval, subject to conditions.

2.5.9 Whilst the application proposal would increase the number of dwellings within the existing cul-de-sac to approximately 120, Making Fife's Places states that this would be acceptable, subject to the total number of dwellings not exceeding 200. The additional 2 points of pedestrian access along the eastern boundary which link into the Core Path network are welcomed. Queens Meadow is wide residential street of modern construction, with all of the houses within the estate having off-street parking areas, thereby limiting the level of on-street parking within the estate. Whilst the volume of additional traffic travelling through Queens Meadow would see a significant increase as a result of the development, it would not have a significantly detrimental impact on existing levels of road safety within the Queens Meadow Estate due to the existing road geometry and the pedestrian footpaths which are available for use. Furthermore, the traffic impact assessment which has been undertaken for the Queens Meadow/Main Street junction shows that the additional development traffic would have no significant impact on the operation of the junction. Whilst it is accepted that on-street parking on Main Street does restrict traffic flows and cause varying degrees of delay, this is an existing issue which the development will not contribute to (the development would not generate additional on-street parking on Main Street), nor is it within the applicant's control to rectify. It is considered that the additional traffic from the development would not make the existing situation on Main Street, or around the Queens Meadow/Main Street junction significantly worse to the point where it would have a detrimental impact on road safety.

2.5.10 It is also important to consider any additional impact which results from the development proposing 80 units whilst the estimated capacity of the site is 50 units within FIFEplan. In the FIFEplan examination report, the Reporter considered that the extension of the Queens Meadow Estate to serve an additional 50 houses would increase traffic levels, but they did not consider that the impact on either safety or amenity would justify the deletion of the housing allocation. A detailed assessment of the potential road safety impacts would have been undertaken at the point of allocation. Whilst this application is for an additional 30 units over the estimated capacity of the site, in light of the supporting evidence which has been provided with the application, it is considered that this would not represent a significant detrimental impact on road safety, when compared to the originally allocated total for the site.

2.5.11 In terms of sustainability, the application site has good links to the existing public transport network. Furthermore, Coaltown of Balgonie does have existing infrastructure to support local living. A safe route to school is being provided with additional pedestrian accesses being provided to help move through and beyond the site.

2.5.12 Whilst the concerns of neighbours have been fully considered and understood, the development would not have a significant impact on road safety levels in the surrounding area. Furthermore, it would also be considered a sustainable development in terms of its proximity to sustainable transport links. The application proposal therefore complies with NPF4, FIFEplan and Making Fife's Places in this regard.

2.6 Flooding and Drainage

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

2.6.2 FIFEplan (2017) Policies 1, 3 (Infrastructure and Services), 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.

2.6.3 Submitted representations raise concerns that the existing Scottish Water infrastructure, both foul and drinking water, does not have capacity to service the site. Many of the representations note that water pressure in the surrounding area is inadequate. Furthermore,

concerns are raised with regard to the development potentially increasing flooding within and around the site. Objections also raise safety concerns with regard to the proximity of the proposed suds basin to the local primary school.

2.6.4 The development would connect to the existing Scottish Water foul water sewer and water network. Furthermore, the surface water management plan for the site advises that surface water would be collected, directed to and retained within a new suds basin. It would then be discharged to a nearby water course at a restricted rate.

2.6.5 Scottish Water has been consulted and has advised that they have no objections to the proposed development. Scottish Water has confirmed that there is water/waste-water capacity to service the development but do note that further investigations may be required once a formal connection application has been submitted to them. A formal application is generally only made once planning consent has been granted. The infrastructure issues as highlighted in the submitted objections have been discussed with the applicant and they have acknowledged that they are aware of the issues through their own dialogue with Scottish Water. The applicant has advised that a solution to the infrastructure issues will be addressed before any works start on site. A condition has been added which requires proof of Scottish Water's acceptance of the development being accommodated into the public network, to be submitted to Fife Council as Planning Authority, before any works start on site.

2.6.6 Fife Council's Structural Services Team has been consulted and has advised that they have no objection on flooding or to the surface water management scheme.

2.6.7 The proposal would raise no significant concerns with regard to its flooding or drainage impacts and would therefore comply with NPF4, FIFEplan and Making Fife's Places in this respect.

2.7 Contaminated/Unstable Land and Air Quality

2.7.1 NPF4 Policy 9 applies and sets out that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. Policy 23 (Health and Safety) aims to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. Policy 23 details that development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

2.7.2 FIFEplan (2017) Policies 1, 10 (Amenity) 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.

2.7.3 Submitted representations raised concerns with regard to the development's impact on air quality as a result of increased traffic levels routing through the Queens Meadow Estate.

2.7.4 The application site is located within a Coal Authority Low Risk Area therefore a Coal Mining Risk Assessment is not required. The development will however be subject to the Coal Authority's standing advice.

2.7.5 A Desk Based Site Investigation Report (DBSI) and an Air Quality Impact Assessment (AQIA) have been submitted with the application. Fife Council's Land & Air Quality Team has been consulted to review these documents. They have noted that the recommendations made in the DBSI should be undertaken, which includes a full site-specific risk assessment. They note that any remedial measures which this assessment recommends should be undertaken in full. Conditions have been added to ensure these are carried out before any works start on site. Fife Council's Land & Air Quality Team has also reviewed the submitted AQIA and raised no concerns.

2.7.6 The proposal raises no significant contaminated/unstable land or air quality issues and would therefore comply with NPF4, FIFEplan and Making Fife's Places.

2.8 Natural Heritage and Trees

2.8.1 NPF 4 Policies 1 (Tackling the Climate and Nature Crisis), 3 (Biodiversity), 4 (Natural Places) and 6 (Forestry, Woodland and Trees) apply. Policy 1 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, with the policy setting out that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 3 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 3 states that development proposals will contribute to the enhancement of biodiversity and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Policy 3 notes that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. It states that measures should be proportionate to the nature and scale of development and that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. Policy 4 aims to protect, restore and enhance natural assets making best use of nature-based solutions. It states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Policy 6 aims to protect and expand forests, woodland and trees. It states that development proposals that enhance, expand and improve woodland and tree cover will be supported.

2.8.2 FIFEplan (2017) Policies 1, 13 (Natural Environment and Access) and Making Fife's Places Supplementary Planning Guidance apply. Policy 13 of the FIFEplan (2017) states that a proposed development will only be supported where it protects or enhances 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. Policy 13 continues to note 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 become attractive in amenity terms, or of a rare species.

2.8.3 Submitted representations raise concerns with regard to the development of a greenfield site. Furthermore, concerns are raised with regard to potential impacts on biodiversity on the site and surrounding area including animal species, habitat and trees.

2.8.4 An ecology impact assessment (EclA) has been submitted with the application which gives a current baseline for the application site and identifies any actual or potential habitat/species constraints to the development. It also assesses potential impacts which may arise during the construction period and offers advice on appropriate avoidance, mitigation and enhancement measures. The EclA advises that the application site does not lie within or adjacent to any statutory designated area. It advises that a phase 1 habitat survey was undertaken which identified 8 habitat types within the survey area which includes semi-improved grassland and treelines/hedgerows. The EclA considers that the site and trees are suitable to support a variety of breeding bird species and that impacts can be avoided by avoiding any site clearance during the bird nesting season. No protected or notable species were observed during the survey, however, precautionary measures have been detailed to minimise potential impacts on species likely to be present with the wider area. The EclA does note that trees along the site boundaries do have potential to support roosting bats however these would be unaffected by the development. Ultimately, the EclA concludes by noting that the proposal would have no significant impact on local ecology. The application has submitted a Biodiversity Gain Statement (BGS) which details that a central area of open space is being provided within the site along with a green corridor to the west of the development which will both be planted as a wildflower meadow. The BGS also notes that areas of existing hedging will be enhanced with new hedging provided where required. The statement notes that both of these areas will create a nature network helping to strengthen habitat connectivity within and beyond the site. Furthermore along with significant areas of tree planting, bat and bird boxes are also being provided.

2.8.5 A tree impact assessment (TIA) has also been submitted with the application which details that a total of 40 individual trees have been surveyed within and around the site, none of which are subject to a tree preservation order. The TIA states that tree cover is a mix of species, age and condition with the dominant species being Ash, which are showing signs of decline due to ash dieback. The TIA details the presence of a single mature oak which is of significant amenity and conservation value and is the only category A (Tree of high quality/value) tree to be surveyed. This tree is located out with the application site boundary. The TIA states that the short-term loss from trees to be removed can be addressed in the short to medium term through a good quality replanting scheme which should be designed in line with the proposed change in land use. It states that trees should be planted at standard sizes (8-10cm girth) to provide an immediate impact and losses should be replaced on a 3:1 basis. The TIA also details tree protection measures.

2.8.6 The submitted tree survey identifies 1 category A (high value) tree, 6 category B (moderate quality) trees, 30 category C (low quality) trees and 3 category U (poor condition) trees, within or around the boundary of the site. Category B and C trees are not normally seen as barriers to development. All of the trees out with and along the boundary of the site are to be retained, however, 12 trees and hedging, all of which are located centrally within the site, are to be removed in order to facilitate the development. These trees consist of 9 category C trees and 2 category B trees. The hedge to be removed is category B. The loss of these mostly, low-quality trees, is considered acceptable in order to realise the development of a long-term allocated site.

Whilst a detailed landscaping plan has yet to be submitted, it is considered that the loss of these trees can be mitigated through a replanting scheme. In terms of trees to be retained, specifically those along the northern boundary which are out with the site and out with the applicant's control, no development has been proposed within the root protection area of these trees, which will help safeguard their health. Most of the either the proposed houses or their gardens along the northern boundary of the site are within the falling distance of trees out with the site. Making Fife's Places advises there should be no dwellings or gardens within the falling distance of adjacent trees. The purpose of this guidance is to safeguard trees from being felled, due to perceived residential amenity or health and safety issues which may arise. This was discussed with the applicant who advised that the trees were out with their control and that should the houses and gardens be moved out with the falling distance, this would sterilise a large area of the site and have urban design impacts. Given the trees are located out with the site, it would not be within the control of future homeowners to remove these trees without gaining the consent of the landowner. It is therefore considered that whilst some properties and gardens are located within the falling distance of some trees, given ownership constraints, these trees are adequately safeguarded. Notwithstanding, given the low quality of the majority of these trees, should future occupants want to remove them, no significant concerns would be raised. Fife Council's Tree Officer has been consulted and has offered no objections but does note that a landscaping plan and tree protection plan is required. These have been conditioned.

2.8.7 The proposal is therefore compliant with NPF and FIFEplan.

2.9 Sustainability

2.9.1 NPF4 (2023) Policy 1 (Tackling the Climate and Nature Crisis) states that when considering all development proposals significant weight will be given to the global climate and nature crises, with Policy 2 (Climate Mitigation and Adaptation) aiming to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Policy 12 (Zero Waste) aims to encourage, promote and facilitate development that is consistent with the waste hierarchy. Policy 13 (Sustainable Transport) aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

2.9.2 Policy 11 (Low Carbon) of the Adopted FIFEplan states that planning permission will only be granted for new development where it has been demonstrated that: 1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 20% of these savings from 2020. Policy 11 notes that all development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars. Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that all local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal and major developments are required to provide an energy statement of intention which sets out how the proposal will meet the requirements of Policy 11. An Energy Statement of Intention is required for major applications.

2.9.3 Submitted representations query the measures that the development will incorporate to be carbon neutral.

2.9.4 An energy and sustainability statement has been submitted by the applicant which details that local suppliers, materials and work-force will be used as far as possible in order to reduce

the development's carbon footprint. The statement also notes that houses will include high performance glazing and a thermally efficient construction. Furthermore, a site wide ground source heat network will be utilised which would remove the need for gas boilers. Each house that has private parking would also be supplied with an electric vehicle charging point.

2.9.5 The proposal would raise no significant concerns in terms of its sustainability and would therefore comply with NPF4, FIFEplan and Making Fife's Places.

2.10 Planning Obligations

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

2.10.2 FIFEplan (2017) Policies 1, 4 (Planning Obligations), Making Fife's Places Supplementary Planning Guidance and Fife Council's Planning Obligations Framework Policy Guidance apply and state that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. The kinds of infrastructure to which this policy applies include transport, schools, affordable housing, greenspace, public art and employment land. Policy 4 also sets out exemptions from such developer contributions which includes developments which include the re-use of previously developed land and proposals for affordable housing.

2.10.3 Submitted representations raise concerns with the capacity of both Coaltown Primary School and Auchmuty High School.

Affordable Housing

In terms of affordable housing provision, whilst NPF4 does reference that all sites should provide at least 25% of the total number of units as affordable homes, it does state that this figure can be relaxed where the Local Development Plan sets out that a lower contribution is justified. According to Fife Council's Affordable Housing Supplementary Planning Guidance, for developments within Coaltown, a total of 10% of units which meet the definition of affordable housing, should be provided. Fife Council's Affordable Housing Team has been consulted and advise that the proposed mix for the affordable housing should be 2 x 2 bed amenity bungalows, 4 x 3 bed amenity bungalows and 2 x 2 bed wheelchair bungalows. This has been agreed with the applicant and will be secured by a legal agreement.

Education

Fife Council's Education Team has been consulted and has advised that there is a critical capacity risk expected at Auchmuty High School with all eligible new homes in the catchment area to contribute towards a solution. The total cost of the solution is estimated to be £3,000,000. The contribution cost per 3 bed dwelling is currently £1,684, with this figure to be prorated for houses with more or less than 3 bedrooms. The Planning Obligations Guidance notes that 75% of the contribution will apply to 2-bed homes, 125% to 4-bed homes, 150% to 5-bed homes and 175% to 6+ bed homes. The development has 34 2-bed properties (34 x £1,263 = £42,942), 17 3-bed properties (17 x £1,684 = £28,628), 20 4-bed properties (20 x £2,105 = £42,100) and 9 5-bed properties (9 x £2,526 = £22,734). This equates to a total contribution

towards Auchmuty High School of £136,404 being required. This will be secured by a legal agreement.

Fife Council's Education Team has also advised that there is a critical capacity risk expected at Coaltown of Balgonie Primary School with all eligible new homes in the catchment area to contribute towards a solution. The total cost of the solution has been estimated at £819,985. The final cost of the solution may be subject to change, following an open book tendering process. In line with the 2017 Housing Land Audit, there were two other effective housing sites in Coaltown of Balgonie which included GLE106 and GLE009. These sites had an estimated capacity of 88 units and 23 units respectively. The contribution cost per 3 bed dwelling is currently £4,293, with this figure to be prorated for houses with more or less than 3 bedrooms. The Planning Obligations Guidance notes that 75% of the contribution will apply to 2-bed homes, 125% to 4-bed homes, 150% to 5-bed homes and 175% to 6+ bed homes. The development has 34 2-bed properties ($34 \times £3,219 = £109,446$), 17 3-bed properties ($17 \times £4,293 = £72,981$), 20 4-bed properties ($20 \times £5,366 = £107,320$) and 9 5-bed properties ($9 \times £6,439 = £57,951$). This equates to a total contribution towards Coaltown Primary School of £347,698 being required. This will be secured by a legal agreement.

Open Space

Open space has been provided within the site, however, it is slightly short of the 60sqm guideline as noted in Fife Council's Planning Obligations Guidance. It states that where a proposed site is located close to an existing area of open space, a payment of £1,200 per unit can be paid towards the upgrading of existing areas. A total of 4045sqm of open space has been provided within the site which equates to a provision for 68 units thereby resulting in a shortfall of approximately 750sqm of open space, or provision for 12 units. In line with the Planning Obligations Guidance, this would require a payment of £14,400 to contribute towards the upgrading of existing open space within the surrounding area. This will be secured by a legal agreement.

Public Art

Fife Council's Planning Obligations Framework Guidance advises that all Major developments are expected to provide a contribution to a public art scheme. It details that a cost of £300 per eligible unit should be provided. This equates to £21,600 and can be secured by condition.

Strategic Transport Interventions

The application site is located within the Glenrothes and Kirkcaldy Intermediate Transport Zones and it therefore requires to make a contribution to the interventions proposed within both areas. This equates to £1,729 per eligible unit which totals £124,488. This can also be secured by a legal agreement.

2.11 Archaeology

2.11.1 NPF 4 Policy 7 (Historic Assets and Places) aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. It states that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that the potential impacts can be assessed.

2.11.2 FIFEplan Policy 14 (Built and Historic Environment) states that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or

damage built heritage assets including Inventory Historic Battlefields. Policy 14 notes that "all archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Accordingly, development proposals which impact on archaeological sites will only be supported where: - remains are preserved in-situ and in an appropriate setting; or - there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigation is proposed.

2.11.3 Fife Council's Archaeologist has been consulted on this application and has advised that the site is not covered by any historic environment designations and no known archaeological sites/monuments/deposits are recorded on site. The response notes that this absence of information simply reflects the fact that the area has never been archaeologically surveyed. It continues to note that there is the potential for archaeological deposits of prehistoric and/or medieval date to exist on site. As such, the potential to impact on unrecorded, buried archaeological deposits justifies a limited programme of archaeological evaluation. A condition has therefore been added to this report to ensure that these investigations are undertaken before any works start on site.

2.11.4 Subject to the imposition of this Condition, the proposal would raise no significant archaeological concerns and would therefore comply with NPF4, FIFEplan and Making Fife's Places.

2.12 Prime Agricultural Land

2.12.1 NPF4 Policy 5 (Soils) states that development proposals on prime agricultural land will only be supported where it is for either i. Essential infrastructure and there is a specific locational need and no other suitable site; ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite; iii. The development of production and processing facilities associated with the land produce where no other local site is suitable; iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration. Policy 16 (Quality Homes) of NPF4 states that development proposals for new homes on land allocated for housing in LDPs will be supported.

2.12.2 FIFEplan Policy 7 states that development on prime agricultural land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available.

2.12.3 The application site is defined as prime agricultural land which has moderate climate limitations. Whilst the proposal would not be compliant with NPF4 Policy 5, given this site is allocated for housing, it would be compliant with Policy 16. Furthermore, as the site is allocated, it is an essential component of the settlement strategy and therefore in compliance with FIFEplan Policy 7. No significant concerns would therefore be raised with regard to the development and subsequent loss of prime agricultural land.

CONSULTATIONS

Community Council

NHS Fife

Archaeology Team, Planning Services

Objects to the development.

No response.

No objections, condition recommended.

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| Natural Heritage, Planning Services | No objections, conditions recommended. |
| Trees, Planning Services | No objections, conditions recommended. |
| Urban Design, Planning Services | Comments received. |
| Land And Air Quality, Protective Services | No objections, conditions recommended. |
| Housing And Neighbourhood Services | No objections, 8 affordable units required. |
| Structural Services - Flooding, Shoreline And Harbours | No objections. |
| Parks Development And Countryside | No objections. |
| TDM, Planning Services | No objections subject to conditions. |
| Scottish Water | No objections. |
| Land And Air Quality, Protective Services | No objections. |
| Education (Directorate) | Planning obligations required. |
| Environmental Health (Public Protection) | No objections. |

REPRESENTATIONS

A total of 74 objections have been received. Concerns raised which are material to the assessment of the application include:

Existing Queens Meadow road layout not adequate to deal with level of traffic which the development will generate, impacting on pedestrians and other road users - Addressed in Section 2.5

There is only a single point of access into the development site. Alternative/additional site access should be provided - Addressed in Section 2.5

Access onto Main Street already dangerous (substandard junction), extra development traffic will worsen impact - Addressed in Section 2.5

Through traffic on Main Street already at capacity, this is worsened by on-street parking - Addressed in Section 2.5

Pre-application consultation was inadequate and views not taken into account by developer - Addressed in Section 1.2

Both primary and high school is at capacity. Proposed development would leave the primary school no room to expand if required - Addressed in Section 2.10

Foul and water services already at capacity. Existing water pressure already pure an insufficient to serve the development - Addressed in Section 2.6

Development's visual impact does not fit in with the surrounding houses. Inappropriate in terms of scale, size and design - Addressed in Section 2.3

Impacts that will arise during the construction period. Noise from construction and traffic movements through Queens Meadow and Main Street junction - Addressed in Section 2.4

Additional traffic will cause negative air quality impact - Addressed in Section 2.7

There will be residential amenity impacts caused by houses along the site boundary - Addressed in Section 2.4

The development would have a negative impact on ecology, both wildlife and trees within the site - Addressed in Section 2.8

There is no church in the village/general lack of amenities - Addressed in Section 2.5

Development will result in increased traffic on School Road/around the primary school - Addressed in Section 2.5

What measures are being taken to make the development carbon neutral? Solar panels, EV charging points, air source heat pumps, wind turbines, recycled materials, SUDS? - Addressed in Section 2.9

Development will result in the loss of green space/greenfield site - Addressed in Section 2.2

Transport statement does not accurately reflect existing situation - Addressed in Section 2.5

Traffic survey does not take into account future development - Addressed in Section 2.5

Road close to school boundary will create safety issues - Addressed in Section 2.5

Development will be impacted by flooding and may increase flooding out with the site - Addressed in Section 2.6

Existing playpark not big enough to service the development - Addressed in Section 2.10

Who will maintain the proposed areas of open space? - Addressed in Section 2.3

Supporting studies have not been submitted (air quality impact assessment, contaminated land report, noise impact assessment, archaeological assessment)- Addressed in Section 2.4 & 2.7 & 2.11

Trees should be protected during the construction phase - Addressed in Section 2.8

Non-material comments

Proposed development will devalue neighbouring houses.

No demand for further housing.

Road does not get ploughed when it snows.

Development will cause land stability issues out with the site.

Houses will not benefit the community.

Area will no longer be desirable to live in.

Other housing sites available within Coaltown of Balgonie.

Neighbour notification planning regulations need reviewed.

The development will spoil existing views over the site and towards the Lomond Hills.

Streets already impacted by improperly parked cars.

Development will result in an increase of crime.

Water pressure issues will cause issues for emergency services.

Coaltown of Balgonie used as a rat-run to avoid Bankhead junction.

Existing dangerous driving behaviours on surrounding road network.

GP Services at capacity.

The greenbelt would disappear.

Proposed drainage scheme not safe in such close proximity to school

CONCLUSIONS

The application proposal represents an attractive, modern development which would accord with the provisions of the National Planning Framework 4 (2023) and FIFEplan (2017). Whilst allocated with an estimated capacity of 50 units, the submitted site plan shows that 80 units can comfortably be provided on site, without having any significant design or visual impacts. Furthermore, the layout would not create any significant residential amenity concerns within the site, or on existing properties within Queens Meadow. Whilst road safety concerns have been noted, submitted evidence details that the immediate road network has capacity to ensure traffic generated by the development, would have no significant impact on the safe operation of local roads. The application proposal would see the development of a greenfield site, however, submitted evidence details that there would be no significant impact on local ecology and that a tree planting scheme would compensate for the removal of mostly low quality trees. No flooding or drainage concerns have been raised and Scottish Water have submitted no objections. The application proposes an ambitious ground source heat pump network which would result in no gas boilers being installed within the development, along with electric vehicle charging points

being provided for all units with private parking. The application proposal is therefore recommended for approval subject to conditions and the conclusion of a legal agreement. The legal agreement would secure financial contributions towards addressing local school capacity issues, the construction of strategic transport interventions measures and open space improvements. A public art scheme would also be provided, along with 8 affordable housing units.

RECOMMENDATION

It is accordingly recommended:

- A. That the application is approved subject to the undernoted conditions and reasons, following the conclusion of a legal agreement to secure;
 - the provision of 8 affordable housing units on the site.
 - education contributions (£136,404 for Auchmuty High School and £347,698 for Coaltown Primary School) (subject to open book tendering process)
 - Strategic Transport Interventions (£124,488)

 - Open space (£14,400)
- B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement
- C. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

Conditions and Reasons:

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

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

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

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

of those documents. Additional information can be found at www.fifedirect.org.uk/contaminatedland.

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

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

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

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

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

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

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

5. No development shall commence on site until Scottish Water has given their agreement for the site to connect to the public drinking water/foul water infrastructure. Written proof shall be submitted to Fife Council as Planning Authority for prior written approval, before any works commence on site.

Reason: In the interest of preserving existing infrastructure capacity; to ensure that the development does not have a negative impact on existing water infrastructure capacity.

6. Prior to occupation of the first dwelling, the approved SUDs Scheme as specified and hereby approved shall be fully installed and commissioned. The scheme shall be signed off by a suitably qualified drainage engineer following installation and be retained and maintained in an operational manner for the lifetime of the development.

Reason: In the interests of securing an appropriate standard of drainage infrastructure and to mitigate flood risk arising from the development.

7. Before any development commences on site, a Construction and Environmental Management Plan (CEMP) shall be submitted to Fife Council as Planning Authority, for prior written approval. The approved measures shall then be followed in full on site during the construction period. For the avoidance of doubt, the CEMP shall full consider all potential impacts on surrounding residential properties. It shall also include details on what proactive measures would be implemented to ensure the Queens Meadow carriageway is always kept clear of all mud and debris; what measures would be implemented to prevent construction vehicles queuing on Queens Meadow prior to the site opening; and what measures would be implemented to ensure all site staff, contractors, and sub-contractors. It shall also detail potential impacts on local ecology and how these impacts shall be mitigated.

Reason: In the interest of protecting residential amenity and ecology; to ensure adequate measures are put in place during the construction period to avoid any significant impacts.

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

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

9. No works shall be undertaken which in any way impinge or obstruct Core Path P399/05 adjacent to the application site, unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: To ensure that the Core Path is not adversely affected as a result of the development.

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

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

11. Prior to any of the units hereby approved being occupied, a residents travel plan (in accordance with the approved Transport Statement) shall be submitted to Fife Council as Planning Authority, for prior written approval. Once approved, the first occupants of each house shall be issued with a copy of the approved travel plan.

Reason: In the interest of sustainable travel; to ensure new residents are aware of sustainable transport modes/links which are available in the surrounding area and to help reduce the reliance on private car use.

12. Before any of the units are occupied, a public art strategy including the details of the proposed items of work relating to this strategy shall be submitted for the prior written approval of Fife Council as Planning Authority. The strategy shall demonstrate that the value of the works contributing to the public art scheme, shall meet the terms of the Council's Guidance on Public Art in terms of the financial value of the items of work. For the avoidance of doubt, this equates to a contribution of £300 per eligible unit. The strategy shall include a phasing timescale for the implementation of the public art works. Thereafter the public art works shall be carried out entirely in accordance with the details and phasing approved under this condition and will be maintained for the lifetime of the development by the applicant or other agreed party.

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

13. Prior to any works commencing on site, full details of all ecological enhancement measures (and a timetable for implementation) to be utilised within the site shall be submitted to Fife Council as Planning Authority for prior written approval. The measures shall be installed in accordance with the agreed timetable.

Reason: In the interest of biodiversity gain; to ensure the development provides adequate biodiversity enhancement measures.

14. Prior to, and during the construction period, the ecological mitigation measures as detailed in the approved Ecological Impact Assessment shall be implemented and complied with in full.

Reason: In the interest of minimising impacts on local ecology.

15. No tree works or scrub clearance shall occur on site from 1st March through to 31st August each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. In the event that clearance is proposed between 1st March to 31st August, a suitable bird survey shall be carried out by a suitably qualified ecologist covering the proposed clearance area and shall be submitted to and approved in writing by this Planning Authority before those clearance works commence. Once written approval has been given the works themselves should be carried out within a specified and agreed timescale.

Reason: In order to avoid disturbance during bird breeding seasons.

16. BEFORE ANY WORKS START ON SITE, the developer shall submit a tree protection plan to Fife Council as Planning Authority for prior written approval. Once agreed, the approved

measures shall be implemented prior to any works commencing, to safeguard the trees on the site during development operations. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

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

17. Prior to the occupation of the first unit, a plan detailing the type and location (including a timetable for implementation) of all street lighting shall be submitted to Fife Council as Planning Authority for prior written approval. The street lighting shall then be installed in accordance with the agreed timetable.

Reason: In the interest of residential amenity and ecology; to ensure the proposed lighting scheme does not result in any significantly adverse impacts.

18. Prior to it being installed on site, full details of the ground source heat network shall be submitted to Fife Council as Planning Authority. The approved details shall then be built out on site and the heat network shall be operational for each unit, prior to the occupation of each respective unit.

Reason: In the interest of sustainability; to ensure full details of the ground source heat network are approved.

19. 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.

20. Prior to works starting on site, full details of the proposed safe route to school shall be submitted to Fife Council for approval and thereafter provided prior to occupation of the 10th dwelling, unless otherwise agreed in writing in accordance with an agreed phasing plan. The path link to the north of the primary school shall be constructed as a shared path/emergency access. The footway on the School Road frontage of the primary school shall be upgraded between the existing adoption limit and the shared path link.

Reason: To ensure the safe route to school is provided.

21. For the avoidance of doubt, vehicular crossings of footways shall be no wider than 5.5 metres.

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

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

23. Prior to occupation of each house, all roadside boundary markers being maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development.

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

24. Prior to occupation of each house the off-street car parking for that plot shall be provided as shown on document 03B. The parking spaces shall be retained through the lifetime of the development. The private parking court serving plots 7 - 14 shall be designed to allow for provision of ELV charging points unless otherwise agreed in writing.

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

25. The visitor car parking spaces as shown on document 03B shall be provided pro-rata in relation to the occupation of houses and be retained through the lifetime of the development.

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

26. Prior to any works commencing on site, the following plans shall be updated to reflect the approved site plan (3B):

- 56 - PROPOSED DRAINAGE PLAN
- 61 - POST DEVELOPED FLOW PATH

Works shall then proceed on site in accordance with the revised plans.

Reason: To ensure the most up to date plans for part of the approved permission.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance and Legislation:

PAN 33 Development of Contaminated Land

PAN 1/2011: Planning and Noise

Development Plan:

National Planning Framework 4 (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

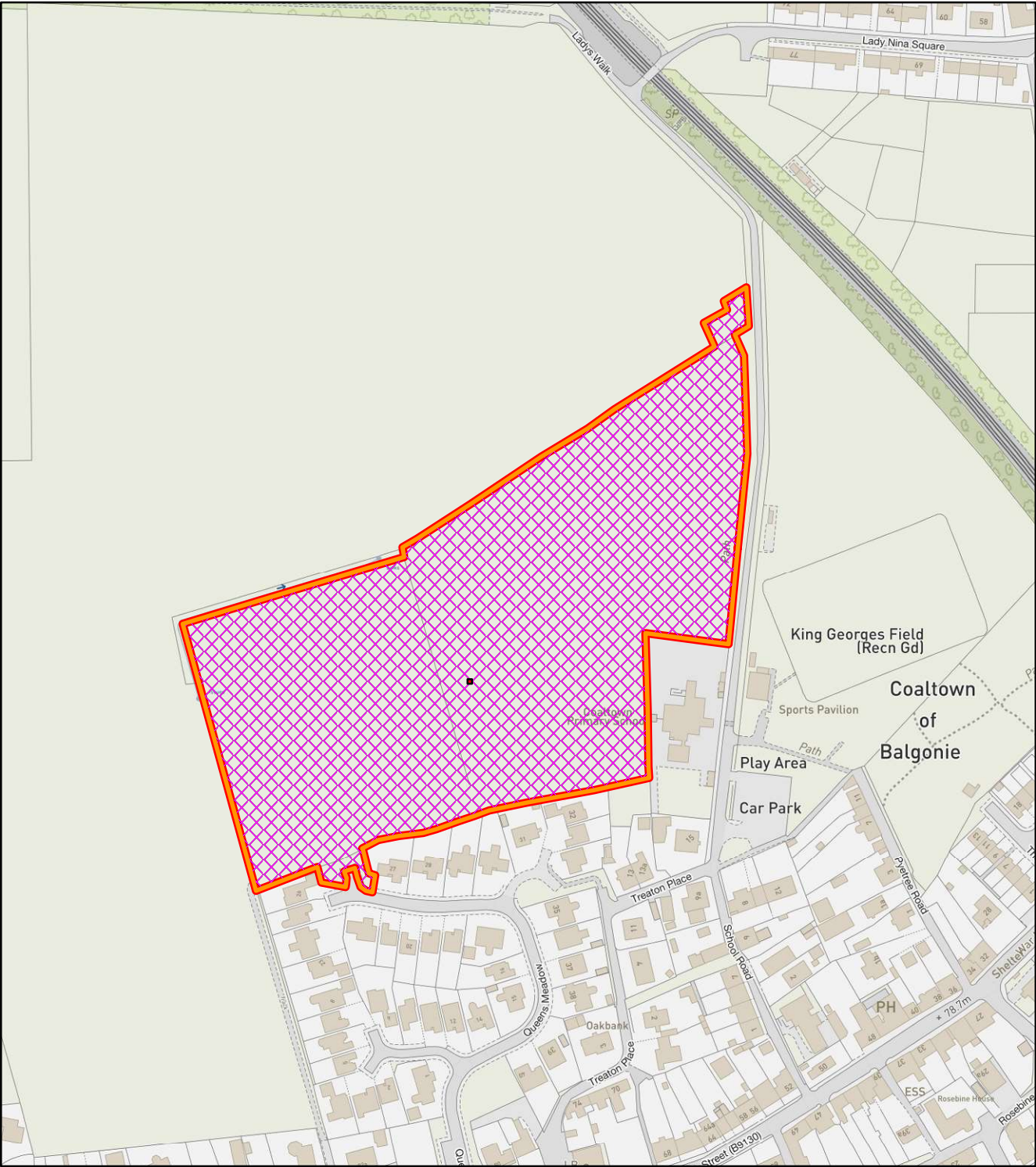
Affordable Housing Supplementary Guidance (2018)

Other Guidance:

Fife Council Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note
Fife Council Planning Customer Guidelines on Garden Ground (2016)
Fife Council Planning Customer Guidelines on Daylight and Sunlight (2018)
Fife Council Planning Customer Guidelines on Minimum Distances between Window Openings (2011)
Planning Obligations Framework Guidance (2017)

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

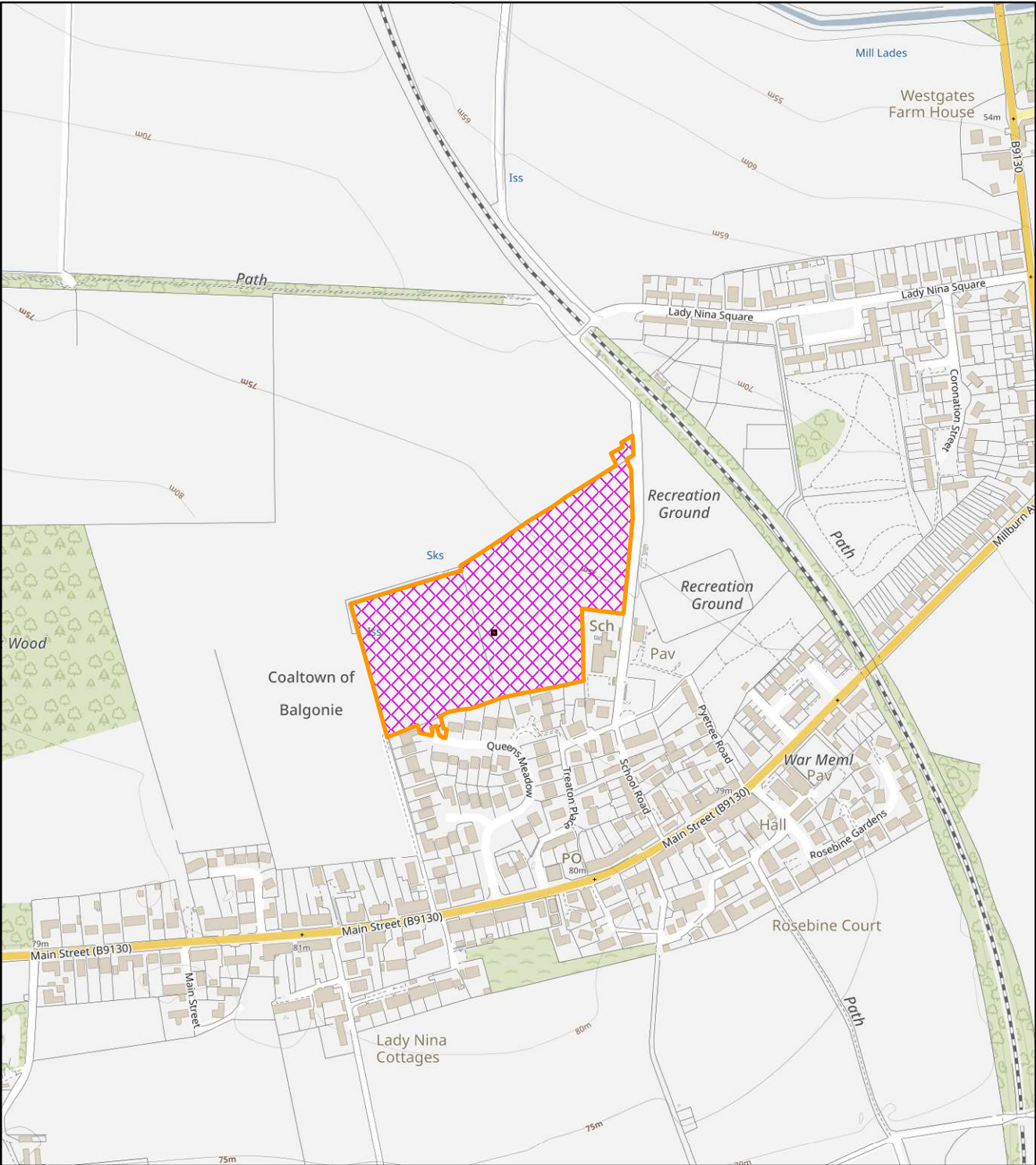
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| Legend | |
|---|---|
|  Application Boundary |  |
|  | |
|  Economy, Planning & Employability Services | |

Land To North Of 27 Queens Meadow Coaltown Of Balgonie



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Legend

 Application Boundary







Economy, Planning & Employability Services

ITEM NO: 6**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00076/FULL****SITE ADDRESS: VICTORIA WORKS 147 - 151 ST CLAIR STREET KIRKCALDY****PROPOSAL : ERECTION OF SUPERMARKET (CLASS 1) AND ASSOCIATED WORKS (DEMOLITION OF EXISTING BUILDING)****APPLICANT: FARMFOODS LIMITED
7 GREENS ROAD BLAIRLINN CUMBERNAULD****WARD NO:** W5R12
Kirkcaldy East**CASE OFFICER:** Natasha Cockburn**DATE** 10/02/2022
REGISTERED:**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The application requires a retail impact assessment.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional approval requiring a legal agreement

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.0 Background

1.1 The application site is approximately 5,261 square metres in area and currently contains vacant linen works buildings. St Clair Street bounds the site to the south west, and McKenzie Street to the south. East March Street runs along the north of the site. The surrounding area comprises a mix of uses, including residential properties on East March Street to the north of the site, and fronting St Clair Street to the south west. Rejects department store is located across McKenzie Street to the south and Aldi supermarket is to the north of Rejects, also across McKenzie Street to the south of the application site.

1.1.2 The site is within the Kirkcaldy Settlement Boundary and is located within a Local Shopping Centre as per the Adopted FIFEplan Local Development Plan (2017).

1.1.3 There is no Planning history associated with this site.

1.2 Proposal

1.2.1 This application is for the erection of a supermarket (Class 1) with associated works, including the demolition of the existing building on the site. The new building would be approximately 6.5 metres in height at the highest point. Finishing materials would include white and grey composite cladding, stone feature panels, white render with a composite, grey roof. Doors and windows would be black aluminium. There would be a sawtooth effect design on the south elevation, comprising the stone and white render to create the effect. The indoor sales area would measure approximately 1154 square metres. There would be a service yard to the north west of the site, with a 2m high acoustic fence surrounding it.

1.2.2 Vehicular access would be taken from McKenzie Street to the south east of the site, with access to the service yard also taken from McKenzie street, further west. Parking would be arranged to the south east of the site, adjacent to St Clair Street. There would be 77 parking spaces, including 8 electric vehicle spaces, 5 accessible spaces and 4 parent and child spaces. There would also be a cycle shelter to the east of the building, with 12 spaces available.

1.3 Procedural Matters

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

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

Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

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

1.3.4 The application was advertised in The Courier newspaper on 27.10.2022.

1.3.5 A site visit was undertaken in person on 3rd May 2022.

2.1 PLANNING ASSESSMENT

2.1.1 The determination of this application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The issues to be assessed against the development plan and other guidance are as follows:

- Principle of Development
- Design and Layout
- Transportation
- Residential Amenity
- Ecology and Natural Heritage
- Contamination/Air Quality
- Flooding and Drainage
- Archaeology
- Sustainability

2.2 Principle of Development

2.2.1 NPF4 (2023) Policy 9 considers Brownfield, vacant and derelict land and empty buildings. Policy 9 states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported; and development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option. NPF4 Policy 7 (o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible.

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

2.2.3 An objection comment notes that the building is of historic value and should be retained. The proposals include the demolition of a building, which NPF4 states is the 'least preferred' option in order to conserve embodied energy. Similarly, Policy 7 (o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ 'wherever feasible'. In this regard, the value of retaining the building is noted, both in terms of its historic value and sustainability. The applicant has provided a structural survey, which confirms that the building is in poor structural condition. As the building is not a Listed Building or within a

Conservation Area, it is not statutorily protected and therefore can be demolished without planning permission. It is therefore not considered reasonable, or possible, to seek to enforce its retention. However, the applicant has agreed to retain and re-use some of the stone from the existing buildings within the new building and its boundaries. It is considered that the re-use of some of the existing building's materials is of significant value, both in terms of sustainable re-use of building materials and to provide a visual reference to the past use of the site. In this regard, the proposals meet the requirements of NPF4 given the building is in poor structural condition and its demolition is therefore justified.

2.2.4 NPF4 (2023) Policy 28 states that development proposals for retail will be consistent with the town centre first principle. This means that new retail proposals will be supported in existing city, town and local centres, and will be supported in edge-of-centre areas or in commercial centres if they are allocated as sites suitable for new retail development in the Local Development Plan. Development proposals will not be supported in out of centre locations (other than those meeting policy 28(c) or 28(d)). Development proposals for retail that are consistent with the sequential approach will be supported where the proposed development: is of an appropriate scale for the location; will have an acceptable impact on the character and amenity of the area; and is located to best channel footfall and activity, to benefit the place as a whole. Proposals for new small scale neighbourhood retail development will be supported where the proposed development: contributes to local living, including where relevant 20-minute neighbourhoods; and/or can be demonstrated to contribute to the health and wellbeing of the local community.

2.2.5 Similarly, FIFEplan (2017) Policy 6 Town Centres First supports proposals that comply with the sequential approach (taking into account catchment areas), comply with the respective uses and roles of the defined network of centres, will have no significant adverse effect on the vitality and viability of town centres and are appropriate for the location in scale and character. Outwith town centres, retail and leisure developments with a gross floorspace of over 2,500 square metres will require a retail impact analysis to be carried out to demonstrate that it will address a deficiency in the quantity and quality of retail floorspace when assessed against the latest Fife Retail Capacity Study.

2.2.6 A Planning and Retail Statement, which includes a Retail Impact Assessment (Hargest Planning Ltd. 2022) and further supporting statements have been provided in support of the application, which conclude that the development would develop a vacant building located within a defined local centre and would enhance the range and choice of shopping for residents in the north/east of Kirkcaldy. The statement makes reference to the site being easily accessible on foot and by cycle as well as being well served by public transport and private car. The statement notes that there are no potentially suitable and available sites or premises located within Kirkcaldy town centre nor on the edge of the town centre capable of accommodating the minimum requirements for a viable frozen food centre, and there are no other defined town centres within the catchment area. The statement also notes the economic benefits of the proposals, which would provide 15 – 20 new jobs and significant new investment.

2.2.7 The Retail Impact Assessment submitted with the application has been reviewed by retail specialist Roderick MacLean Associates on behalf of Fife Council, who provided the following feedback and conclusions: The Fife Retail Capacity Study 2021 (amended February 2022) indicates no spare convenience expenditure capacity in the Mid Fife catchment area up to 2026 and beyond. This reflects a slight decline forecast in convenience expenditure to 2026 and existing convenience planning commitments. There is therefore no quantitative deficiency in convenience floorspace in Mid Fife. Estimates of the retail impact show low levels of impact and would not be considered to materially threaten the vitality and viability of establish centres. It is estimated that

the cumulative retail impact of the proposed Farmfoods store alongside existing relevant planning consents could be accommodated without threatening the vitality and viability of established centres. The medium impacts on the existing St Clair Street Local Centre would be offset by the inclusion of Farmfoods, giving more choice locally. A high impact is estimated on ASDA Kirkcaldy but that store is not within an established centre, and they do not consider that its viability would be materially threatened because it is among the most successful supermarket operators in the UK. It is understood that Farmfoods does not sell alcohol, newspapers or tobacco, and this would reduce the impact of the store on other shops in the local centre, which do sell these items. It is agreed that there is a qualitative deficiency in convenience floorspace in the St Clair Street Local Centre catchment area. The inclusion of a new Farmfoods store would greatly improve the convenience shopping offer compared to the present position.

2.2.8 It appears that whilst there is currently no deficiency identified in the quantity of convenience provision in Mid Fife, there is agreement that there is a qualitative deficiency in the St Clair Street Local Centre. As frozen food retailers are considered to be a distinct retail sector, the Farmfoods proposal would provide an alternative convenience offering to that already in the local centre. It is therefore considered that the proposed development would not have a significant adverse effect on the vitality and viability of town centres and the local economy of St Clair Street Local Centre.

2.2.9 Roderick MacLean Associates also commented on the scale of the proposed development. In their opinion, the size of the proposed Farmfoods is consistent with the function of a local centre serving residents in the suburban area north- east of the town centre. It is only slightly smaller than the Aldi store within the St Clair Street Local Centre. It would therefore be consistent with the network of centres in Kirkcaldy.

2.2.10 It is noted that, given the rapid structural changes in Kirkcaldy town centre, it is acknowledged that in this instance there are currently no sites which would meet the requirements of Farmfoods. It is noted that uses in Kirkcaldy Town Centre are currently undergoing a transformation, with proposals for over 350 residential units currently being progressed. It will be important to ensure that future town centre residents have access to services and facilities in line with the 20-minute neighbourhood concept and national promotion of town centres as multifunctional community hubs. There is currently very limited food retail offer in Kirkcaldy town centre as a number of food retailers have moved out in recent years. It is accepted that this proposal is ahead of the changes being proposed. However, in the future, as the area changes, Fife Council may look for food retailers to be located within the town centre and to adapt their offer to town centre locations. Figure 6.1 of Policy 6 establishes that the sequential approach considers locations for these uses in the following sequence:

1. Town centre (within defined boundary)
2. Edge of town centre
3. Local Centre
4. Other Commercial Centres identified in the Local Development Plan.
5. Out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

The proposed development is located in a local centre and the contention that the applicant does not need to consider alternative sites within other local centres as part of the sequential test consideration, is accepted.

2.2.11 For local centres the role is defined as small town/village and neighbourhood centres that serve local population catchments, on average, between 1,000 to 10,000 population. They serve

basic day to day shopping needs as well as providing public and private local commercial services. The proposal for a store of this scale selling convenience goods would be considered an appropriate use within a local centre. In this regard, it is considered that the proposals thereby meet the additional criteria set out in NPF4 that the proposal is located to best channel footfall and activity, to benefit the place as a whole.

2.2.12 Overall, the proposals meet the requirements of NPF4 (2023) Policies 9 and 28 and FIFEplan (2017) Policies 1 and 6 and the proposed development is therefore acceptable in principle,

2.3 Design and Layout

2.3.1 NPF4 Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Furthermore, development will be supported where it is consistent with the six qualities of successful places.

2.3.2 NPF4 Policy 15 states: a) Development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement patterns, and the level and quality of interconnectivity of the proposed development with the surrounding area.

2.3.3 FIFEplan Policy 14 requires new development to demonstrate good design and show how the proposals adhere to the principles of good place making. Fife Council will apply the six qualities of successful places in order to assess a proposals adherence to these principles. The six qualities require places to be: distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around.

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

2.3.5 In terms of the building's design, the existing historic industrial building with the saw tooth roof is a very distinctive townscape feature and makes a positive visual contribution to the character of Mackenzie Street - it is part of the historic environment, cultural and industrial heritage and thus plays an important role within the site and wider area. The existing building is not listed or in a conservation area and is therefore not statutorily protected. Therefore, the building can be demolished without planning permission being required. However, the applicant has submitted a structural survey report (Hardies, 2022) which provides evidence that the building is in poor structural condition. Furthermore, the building could not be re-purposed for use as a supermarket, as is proposed in this instance. The applicant has therefore reviewed the proposed design of the building and made some amendments which reflect the history of the site and allows for some re-use of the stone from the existing building. The building would therefore take some of its references from the existing building and incorporate those into the design – the saw tooth roof is replicated in the proposed design. The proposed supermarket building thus displays a design response which is well considered and reflects the existing building well. The proposed layout reflects the constraints of the site. Whilst it would be preferable for the building to reflect the existing building pattern, with the built form fronting the road and the parking to the rear, it would not be possible to fit the building into that position on this site. The applicant has proposed some landscaping and design features to the front of the site, re-using the stone from the existing building and creating a gateway feature to the frontage. This feature provides a nod to the former building on the site whilst also providing an interesting frontage to the development, which

somewhat screens the parking. The surrounding area comprises of a mix of buildings, including a supermarket building adjacent to the proposed building and a department store. The proposed building would therefore not be out of place in this location and would not have a significant detrimental impact on amenity in relation to the visual impact on the surrounding area, particularly with the additional design details including the re-use of the stone on the exterior of the building and as boundary treatments along the site boundary.

2.3.6 The site is within a Local Centre and is well connected to the surrounding area, serving a local need for the area, as discussed in section 2.2. There is a bus stop located immediately adjacent to the site on East March Street and is in walking distance from the surrounding residential area. The development proposals will therefore contribute to local living, including 20-minute neighbourhoods.

2.3.7 Overall, the design has been influenced by the existing building currently on the site, which is acknowledged as a historic asset, although not statutorily protected. The re-use of the stone for boundary treatments, as an external material, and as a gateway feature to the entrance of the site is welcomed. The acknowledgement of the sawtooth effect on the western elevation is also welcomed as an interesting feature and one which recognises the building that previously occupied the site.

2.3.8 The proposals meet the requirements of NPF4 (2023) Policies 14 and 15 and FIFEplan (2017) Policies 14 and 10 and Making Fife's Places in regards to design and layout.

2.4 Transportation

2.4.1 NPF4 Policy 13 (b) states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

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

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

2.4.2 Policy 1 Part C (2) of the Adopted FIFEplan states that the site must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 (Infrastructure and Services) 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. The Transportation Development Guidelines within the Making Fife's Places Supplementary Guidance (2018) provide details of expected standards to be applied to roads and parking etc.

2.4.3 A Transport Assessment (Systra. 2022) has been submitted in support of the proposed development. The Transport Assessment has followed the Transport Scotland "Transport Assessment Guidance" 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.

2.4.4 Information was submitted by the applicant to address the concerns raised by Transportation Development Management with regards to a proposed mini roundabout to access the site. It was advised by Fife Council Traffic Management that the Area Roads Programme had the signalisation of the McKenzie Street/St Clair Street junction as a Category 2 scheme with no assessment having been done for it yet. The information supplied by the applicant in support of this planning application was useful in assessing the situation and after further assessment, it was considered that the signalisation would be delivered in 2023/2024 as a Category 1 scheme. It was advised that the requirement for the signalisation at this location is to assist pedestrians crossing all three arms of the junction at this location. There is a crossing south of the junction presently which would be removed as part of the junction signalisation. Signalisation would also greatly assist traffic exiting McKenzie Street although there would be potential for longer queuing.

2.4.5 The signalisation of the McKenzie Street/St Clair Street junction would result in longer queues on McKenzie Street and the possibility of vehicles backing up onto the roundabout and obstructing entry/exit from the minor arms, which is a problem when a mini-roundabout and signalised junction are too close together. On the premise that the signalisation of the McKenzie Street/St Clair Street junction does go ahead, Fife Council's Traffic Management Team note that a crossroads junction with yellow box markings may be more appropriate. However, should the signalisation of the McKenzie Street/St Clair Street junction not go ahead then the mini roundabout would be the best, albeit not ideal, solution.

2.4.6 A further Technical Note (Systra, 2022) was submitted by the applicant, which carries out an assessment of the proposed signalisation of the McKenzie Street/ St Clair Street junction and proposes the vehicular access to the car park from McKenzie Street by means of a cross-roads junction rather than a mini-roundabout. The Technical Note concludes that there is potential for queues on McKenzie Street to extend beyond the proposed vehicular access, but the cross-roads junction would be kept clear of queuing vehicles with the provision of a yellow box marking. An additional set of speed cushions on McKenzie Street is proposed between the cross-roads junction and St Clair Street as a mitigation measure.

2.4.7 Traffic Management have been consulted and have advised that as the McKenzie Street/ St Clair Street junction signalisation has Kirkcaldy Area Committee approval as a Category 2 scheme and it will progress to a detailed design with it being constructed in 2023/2024. The signalised junction is the best solution to accommodate existing vehicle trips and pedestrian crossing demand and the additional vehicle trips and pedestrian demand created by the proposed development. There is no requirement for the additional speed cushions between Cromarty Place and St Clair Street. The road hump regulations state humps should not be placed within 30 metres of a pedestrian crossing. A condition is therefore proposed which requires the removal of this detail from the plans. The yellow box shall be applied at the crossroads following traffic signal junction installation and this requirement is also set out within a recommended condition.

2.4.8 The increase in trips generated by the proposed development would provide further justification for the signalisation required. The proposed development would benefit from the McKenzie Street / St Clair Street junction signalisation in that it would comfortably accommodate the increase in person trips generated by the proposed development. However, the calculation noted in paragraph 4.13 would not be appropriate, as the contribution would be for a specific mitigation measure. Therefore, it shall make a proportionate share based on the additional proposed trips against the existing trips towards the McKenzie Street / St Clair Street junction signalisation. Based on the year of opening (2023) the highest proportion would be in the AM peak at 4.9% of total trips using the junction. The cost of the signalisation scheme would likely be more than £100k so a minimum contribution of £5,000 would be expected. Given that, the additional set of speed cushions proposed by the applicant are not required and with the cost savings in not providing the mini roundabout, the proportionate contribution should be £7,500.

2.4.9 The Transport Assessment concludes that the proposed development "can be integrated into the existing transportation network, ensuring a high degree of accessibility". The Technical Note proposes the existing footway width on the St Clair Street frontage of the site is increased to a minimum of 3 metres. The existing footway on the McKenzie Street frontage of the site would be a minimum of 2 metres, which is acceptable. Locating the retail unit to front St Clair Street with the car park to the rear would allow the formation of a vehicular access (simple T-junction) at the mid-point between Cromarty Place and East March Street. The Transport Assessment notes that servicing deliveries will take place during the quietest trading periods or ideally before or after opening hours. The store will most likely receive just one 16.5m articulated vehicle drop per day.

Therefore, it would be acceptable for service vehicles and customer vehicles to use the same vehicular access. The separation of service vehicles from customer vehicles could be achieved by simple temporary traffic management measures by the operator of the retail unit.

2.4.10 The proposal states that visibility splays of 4.5 metres x 61 metres to the north west and 4.5 metres x 48 metres to the south east would be provided. Given that McKenzie Street is subject to a 20mph speed limit, visibility splays of 2.4 metres x 40 metres in both directions are required. A condition is proposed to ensure that the appropriate visibility splays are provided.

2.4.11 Off street parking, including visitor parking spaces, should be provided in accordance with the current Fife Council Parking Standards contained within Making Fife's Places Supplementary Guidance (2018). The 1,369sqm unit requires between 68 minimum and 98 maximum parking spaces. The proposed layout shows 77 customer parking spaces and 7 staff parking spaces. The total includes 8 parking spaces for electric vehicles. 12 cycle parking spaces would be provided. The off-street parking provision is therefore in accordance with guidance and is therefore acceptable.

2.4.12 The proposals comply with NPF4 Policy 13, FifePlan Policy 1 and 3 and Making Fife's Places in regards to transportation, subject to the aforementioned conditions and the conclusion of a legal agreement to secure a financial contribution to the proposed signalisation works.

2.5 Residential Amenity

2.5.1 NPF4 Policy 23 (Health and Safety) e) states that development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

2.5.2 Policy 10 of the Adopted FIFEplan states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. The policy sets out the considerations in this regard which includes impact from noise, traffic movements, construction impacts and loss of privacy, sunlight and daylight. PAN 1/2011 (Planning and Noise) establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It states that it promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth. The WHO Guidelines (2015) are referred to as the standards which should be achieved for environmental noise.

2.5.3 One objection comment noted concerns regarding noise from the service area. There are a number of residential properties adjacent to the site. There are dwellings located on East March Street to the north and fronting St Clair Street to the south east. A Noise Impact Assessment (Clover Acoustics 2022) has been submitted in support of the application. The Noise Impact Assessment advises that a 1.8m high close boarded fence would be typically incorporated into the proposals to provide noise attenuation. It has been clarified by the applicant that a 2m high close boarded acoustic fence will be provided and this is shown on the submitted drawings. Further to this, a planning condition is recommended to this effect, which will provide appropriate noise mitigation from the service area for neighbouring properties. Environmental Health Officers (Public Protection) Officers have reviewed the Noise Impact Assessment and confirm that, subject

to the acoustic fence being provided, they would have no objections to the proposals. They also recommend that, in order to protect the amenity of nearby residential dwellings, there should be no deliveries or dispatches from the premises outside the hours of 0800hrs and 1800hrs Monday to Saturdays, with no deliveries to take place on Sundays or Bank Holidays.

2.5.4 Given the distance between the proposed building and existing residential properties to the north west (approximately 39 metres at the closest point) there would be no significant impact in terms of loss of sunlight or daylight due to the path of the sun. There would be approximately 39m between the retail building and the neighbouring residential buildings to the north west, therefore there would be no significant loss of privacy for residents of these properties. The gardens of the properties to the south east at St Clair Street would be approximately 40m from the retail building, therefore no significant privacy issues would occur at that location. A 2m high fence would also separate the proposed car park with the gardens of the existing residential properties at that location.

2.5.5 The proposals comply with NPF4 Policy 23 and FifePlan (2017) Policy 10 in regards to residential amenity, subject to the aforementioned conditions.

2.6 Ecology and Natural Heritage

2.6.1 NPF4 Policy 3 (Biodiversity) states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration. NPF4 Policy 4 (f) (Natural Spaces) states that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

2.6.2 Policy 13 of the Adopted FIFEplan only supports proposals where they protect or enhance natural heritage and access assets, including designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest; designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Sites, and Local Landscape Areas; woodlands (including native and other long established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value; biodiversity in the wider environment; protected and priority habitats and species; landscape character and views; carbon rich soils (including peat); green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation.

2.6.3 A Preliminary Ecological Assessment (PEA) was carried out and submitted with the application.. The PEA did not find evidence of protected species, apart from low bat roost potential

in part of the building. A Bat Survey and Assessment was carried out and a further Addendum submitted, which concludes that no bats were observed foraging or commuting in the surrounding area. Fife Council Natural Heritage Officer has reviewed the survey and addendum and has agreed that the surveys carried out were appropriate and have confirmed that the proposals would not impact on protected species. The PEA also sets out recommendations for ecological enhancement measures, including provision of bird nesting boxes. A condition is recommended to secure this provision.

2.6.4 The site is a previously developed site, with an existing building and hardstanding currently occupying it. The proposals would enhance the biodiversity of the site with proposed landscape planting, which does not currently exist on the site.

2.6.5 The proposals comply with NPF4 Policy 3 and 4 and FifePlan (2017) Policy 13 in regards to ecology and natural heritage, subject to the aforementioned condition.

2.7 Contamination

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

2.7.2 PAN33 advises that suspected and actual contamination and instability should be investigated and, if necessary, remediated to ensure that sites are suitable for their proposed end use. Policy 10 of the Adopted FIFEplan states that development shall not lead to a significant detrimental impact on amenity in terms of contaminated and unstable land.

2.7.3 The application site is located within a Coal Authority Development High Risk Area. A Coal Mining Risk Assessment (Ardmore Point, 2022) was submitted with the planning application. The report advises that rotary open-hole boreholes around the area of building are required. In their consultation response, The Coal Authority noted that they concur with the conclusions of the Report on Mineral Stability, offering no objections subject to conditions requiring further intrusive investigations in relation to the mine shaft and remediation works.

2.7.4 Fife Council Land and Air Quality Officers have also reviewed the submitted Coal Mining Risk Assessment and have advised that a contaminated land site specific risk assessment should be submitted to ensure that the site is developed safely. This can be addressed through the imposition of appropriate conditions, which are included in the recommendation.

2.7.5 Land and Air Quality Officers have also suggested that an Air Quality Impact Assessment (AQIA) is submitted. It would have been preferable for the AQIA to have been submitted with the original planning application submission. However, in considering the location of the site and the nature of the proposals, having discussed with Fife Council Land and Air Quality Officers, it is not considered that any major issues are likely to arise from the AQIA and it would therefore be appropriate to condition the requirement of the AQIA in this instance. An appropriate condition for the requirement of the submission of an AQIA is therefore recommended.

2.7.6 The proposals comply with NPF4 Policy 9 and 23 and FifePlan (2017) Policy 10 in regards to land and air quality, subject to the aforementioned conditions.

2.8 Flooding and Drainage

2.8.1 NPF4 Policy 22 c) states that development proposals will: i. not increase the risk of surface water flooding to others, or itself be at risk. ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; iii. seek to minimise the area of impermeable surface. d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity. e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

2.8.2 FIFEplan (2017) Policy 1 Part B (8) and Part C (5) requires flooding and impacts on the water environment to be avoided and sites to provide sustainable urban drainage systems with relevant drainage strategies. Policy 12 of the Adopted Local Development Plan states that development proposals will only be supported where they can demonstrate that they will not increase flooding or flood risk; will not reduce the water conveyance and storage capacity of a functional flood plain; will not detrimentally impact on ecological quality of the water environment; will not detrimentally impact on future options for flood management; will not require new defences against coastal erosion or coastal flooding; and will not increase coastal erosion on the site or elsewhere.

2.8.3 Fife Council Flooding, Shoreline and Harbours Officers have been consulted on this application and are content with the drainage design. However, they have requested the submission of Appendix 5, which sets out the confirmation of the future maintenance of Sustainable Drainage Apparatus. Written confirmation from Scottish Water that they will accept the discharge from the site into their network is also required. The applicant has submitted a Pre-development Enquiry response from Scottish Water, which sets out that there is sufficient capacity within their network. However, Fife Council Flooding, Shoreline and Harbours do not accept the PDE response as confirmation of acceptance of the discharge from the site into the network as the letter states that capacity cannot be reserved and is granted on a first come first served basis. Definitive approval from Scottish Water can only be obtained once planning permission is in place. It is considered that an appropriate planning condition can be recommended to ensure that the applicant obtains confirmation of Scottish Water's acceptance of the discharge from the site into their network, prior to the commencement of development. A condition is also recommended which will require the applicant to submit Appendix 5 prior to the commencement of development.

2.8.4 The proposals comply with NPF4 Policy 22 and FifePlan (2017) Policy 12 in regard to drainage and flooding, subject to the aforementioned condition.

2.9 Archaeology

2.9.1 NPF 4 Policy 7 applies and states that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that the potential impacts can be assessed. Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and

activities to provide public benefit may be required through the use of conditions or legal/planning obligations. When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

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

2.9.3 Fife Council's Archaeologist has reviewed the proposals and advised that a minor programme of archaeological works, including a photographic record with a contextual report should be provided. The building is not statutorily protected but is an iconic industrial building and an important feature of Kirkcaldy's industrial past. The building was Scotland's last operational linen mill and it has Fife's only surviving WWII Fire Watcher post on its roof. It would be desirable for the watch post to be salvaged as part of the demolition works. Appropriate conditions to secure these requirements form part of the recommendation.

2.9.4 The proposals comply with NPF4 Policy 7 and FifePlan (2017) Policy 14 in regard to archaeology, subject to the aforementioned condition.

2.10 Sustainability

2.10.1 NPF4 (2023) Policy 1 (Tackling the Climate and Nature Crisis) states that when considering all development proposals significant weight will be given to the global climate and nature crises, with Policy 2 (Climate Mitigation and Adaptation) aims to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Policy 12 (Zero Waste) aims to encourage, promote and facilitate development that is consistent with the waste hierarchy. Policy 13 (Sustainable Transport) aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

2.10.2 FIFEplan Policy 11: Low Carbon states that planning permission will only be granted for new development where it has been demonstrated that:

1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
2. Construction materials come from local or sustainable sources;
3. Water conservation measures are in place;

4. Sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and

5. Facilities are provided for the separate collection of dry recyclable waste and food waste.

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

2.10.3 A Low Carbon Checklist has been submitted as part of this planning application, in accordance with Policy 11 and the Low Carbon Supplementary Guidance. In terms of waste management, the applicant has advised that they operate a system where all recyclable materials are returned to their depots on their own vehicles and food waste and all non-recyclable waste is collected by Biffa. In regards to heat networks, the site is exempt from connection as it is located more than 1km from the existing and proposed heat networks and their buffer zones in Dumfermline, Guardbridge and Glenrothes. The application site is located in a sustainable location, near to local facilities and bus stops and is within a walkable distance of many residential properties. The applicant has submitted an SBEM certification statement which sets out that the development would meet the current carbon dioxide emissions reduction target. The applicant has set out within their retail impact statement that construction materials would come from local and sustainable sources, where possible. Additionally, the proposals would re-use some materials from the site itself.

2.10.4 Overall, the development complies with the Development Plan in this regard and meets the requirements of the Low Carbon Fife policy and Supplementary Guidance.

CONSULTATIONS

| | |
|---|---|
| Structural Services - Flooding, Shoreline And Harbours | No objections, subject to the acceptance of discharge to the Scottish Water network and submission of Appendix 5. |
| Policy And Place Team (Central Area) | No objections. |
| Natural Heritage, Planning Services | No objections. |
| Environmental Health (Public Protection) | No objections, subject to condition regarding the acoustic barrier and delivery hours. |
| Urban Design, Planning Services | Comments made on design aspects. |
| TDM, Planning Services | No objections, subject to conditions. |
| The Coal Authority | No objections, subject to conditions. |
| Land And Air Quality, Protective Services | No objections, subject to conditions. |
| Transportation And Environmental Services - Operations Team | No response. |

REPRESENTATIONS

Two objection comments have been received with the following concerns:

- Noise from the loading bay

Addressed in paragraph 2.5.3 within the main body of the report.

- Historical value of the building

Addressed in paragraph 2.2.3 within the main body of the report.

CONCLUSIONS

The proposed development would bring a brownfield site back into use. Although the building would be demolished as a result, the current building is not fit for purpose and the proposals would retain and re-use stone from the site and incorporate this into the design of the building and the boundary treatments. A retail impact assessment has shown that this location, in a local centre, is an appropriate location for the proposed development and the proposals would comply with the relevant policies of NPF4 and FifePlan (2017). The proposals are acceptable in regard to design, transportation, contamination, drainage and flooding, archaeology and residential amenity.

RECOMMENDATION

It is accordingly recommended:

- A. That the application is approved subject to the undernoted conditions and reasons, following the conclusion of a legal agreement to secure a contribution of £7,500 towards the McKenzie Street / St Clair Street junction signalisation scheme
- B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement
- C. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

Conditions and Reasons:

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

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

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

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

of those documents. Additional information can be found at www.fifedirect.org.uk/contaminatedland.

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

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

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

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

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

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

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

5. NO DEVELOPMENT SHALL COMMENCE UNTIL; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that all effects of past coal mining works are dealt with.

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

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

7. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, evidence shall be provided that the National Air Quality Strategy objectives would be exceeded during demolition, construction or normal site use following completion. The methodology shall be agreed with the Planning Authority and it shall include an appropriate Air Quality Impact Assessment for the proposed development. Where the assessment predicts that objections will be exceeded, the applicant shall provide a scheme for mitigating the impacts for submission to and approval by the Planning Authority and thereafter implement it in accordance with the approved details before any works commence on site.

Reason: To protect air quality.

8. NO DEVELOPMENT SHALL COMMENCE ON SITE until Scottish Water has given their agreement for the site to connect to the public drinking water/foul water infrastructure. Written proof shall be submitted to Fife Council as Planning Authority for prior written approval, before any works commence on site.

Reason: In the interest of preserving existing infrastructure capacity; to ensure that the development does not have a negative impact on existing water infrastructure capacity.

9. PRIOR TO THE OPENING OF THE RETAIL UNIT, the approved SUDs Scheme as specified and hereby approved shall be fully installed and commissioned. The scheme shall be signed off by a suitably qualified drainage engineer following installation and be retained and maintained in an operational manner for the lifetime of the development.

Reason: In the interests of securing an appropriate standard of drainage infrastructure.

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

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to record archaeological and architectural details in advance of loss by demolition.

11. BEFORE ANY WORKS START ON SITE, a scheme of landscaping (including maintenance details) shall be submitted, indicating the biodiversity enhancement measures to be included on the site. The landscaping details shall also include the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

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

12. PRIOR TO ANY WORKS COMMENCING ON SITE, full details of all ecological enhancement measures (and a timetable for implementation) to be utilised within the site shall be submitted to Fife Council as Planning Authority for prior written approval. The measures shall be installed in accordance with the agreed timetable.

Reason: In the interest of biodiversity gain; to ensure the development provides adequate biodiversity enhancement measures.

13. PRIOR TO, AND DURING THE CONSTRUCTION PERIOD, the ecological mitigation measures as detailed in the approved Preliminary Impact Assessment shall be implemented and complied with in full.

Reason: In the interest of minimising impacts on local ecology.

14. PRIOR TO THE OPENING OF THE RETAIL UNIT, all works carried out on or adjacent to existing public roads serving the proposed development as shown on document 03A (drawing 1947-SP-201 Rev H), including widening of the existing footway to 3 metres on the St Clair Street frontage of the site and 2 metres on the McKenzie Street frontage of the site, shall be constructed in accordance with the current Fife Council Transportation Development Guidelines to a standard suitable for adoption. The works shall include the provision of a yellow box marking on the proposed cross-roads junction the proposed speed table and speed cushions at the west end of McKenzie Street.

For the avoidance of doubt, the proposed additional speed cushions on McKenzie Street between its junctions with Cromarty Place and St Clair Street shall be deleted.

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

15. PRIOR TO THE OPENING OF THE RETAIL UNIT, visibility splays of 2.4 metres x 40 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the site access with McKenzie Street 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.

16. PRIOR TO THE OPENING OF THE RETAIL UNIT, the off-street parking provision as shown on document 03A (drawing 1947-SP-201 Rev H) shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be retained through the lifetime of the development.

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

17. PRIOR TO THE OPERATION OF THE RETAIL UNIT an acoustic barrier of 2m high shall be fully constructed around the loading bay, as detailed in the approved Noise Impact Assessment. The acoustic barrier shall be retained for the lifetime of the development.

Reason: In the interest of residential amenity; to mitigate against noise impacts from the development operations.

18. There shall be no deliveries or dispatches from the premises outside the hours of 0800hrs and 1800hrs Monday to Saturdays, with no deliveries to take place on Sundays or Bank Holidays.

Reason: In the interest of residential amenity; to avoid disturbance to residential properties from deliveries.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance and Legislation:

PAN 33: Development of Contaminated Land

PAN 1/2011 Planning and Noise

Development Plan:

National Planning Framework 4 (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

Other Guidance:

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

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

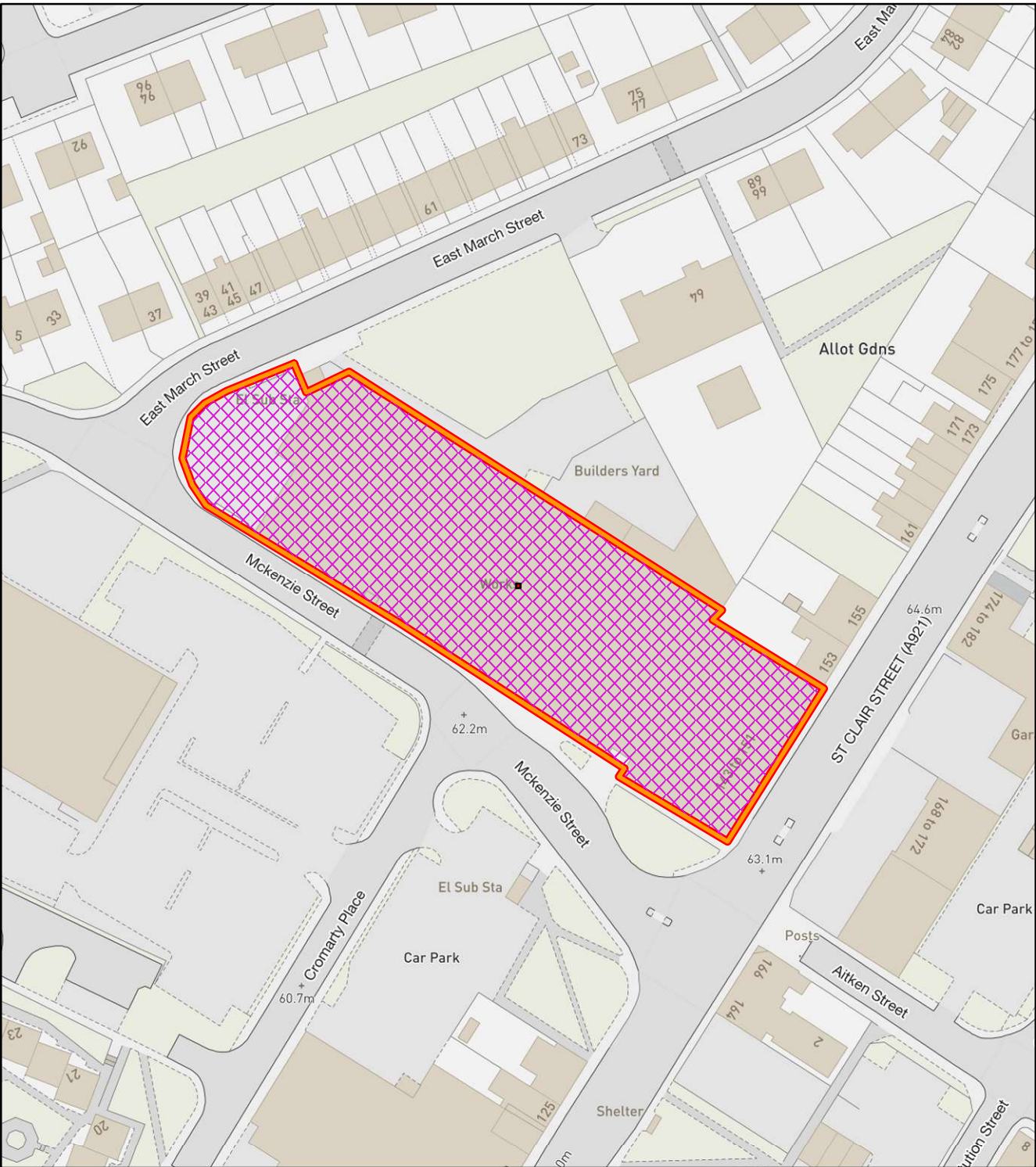
Report prepared by Natasha Cockburn, Chartered Planner and Case Officer

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

Date Printed 17/02/2023

22/00076/FULL

Victoria Works 147 - 151 St Clair Street Kirkcaldy



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Legend



Application Boundary

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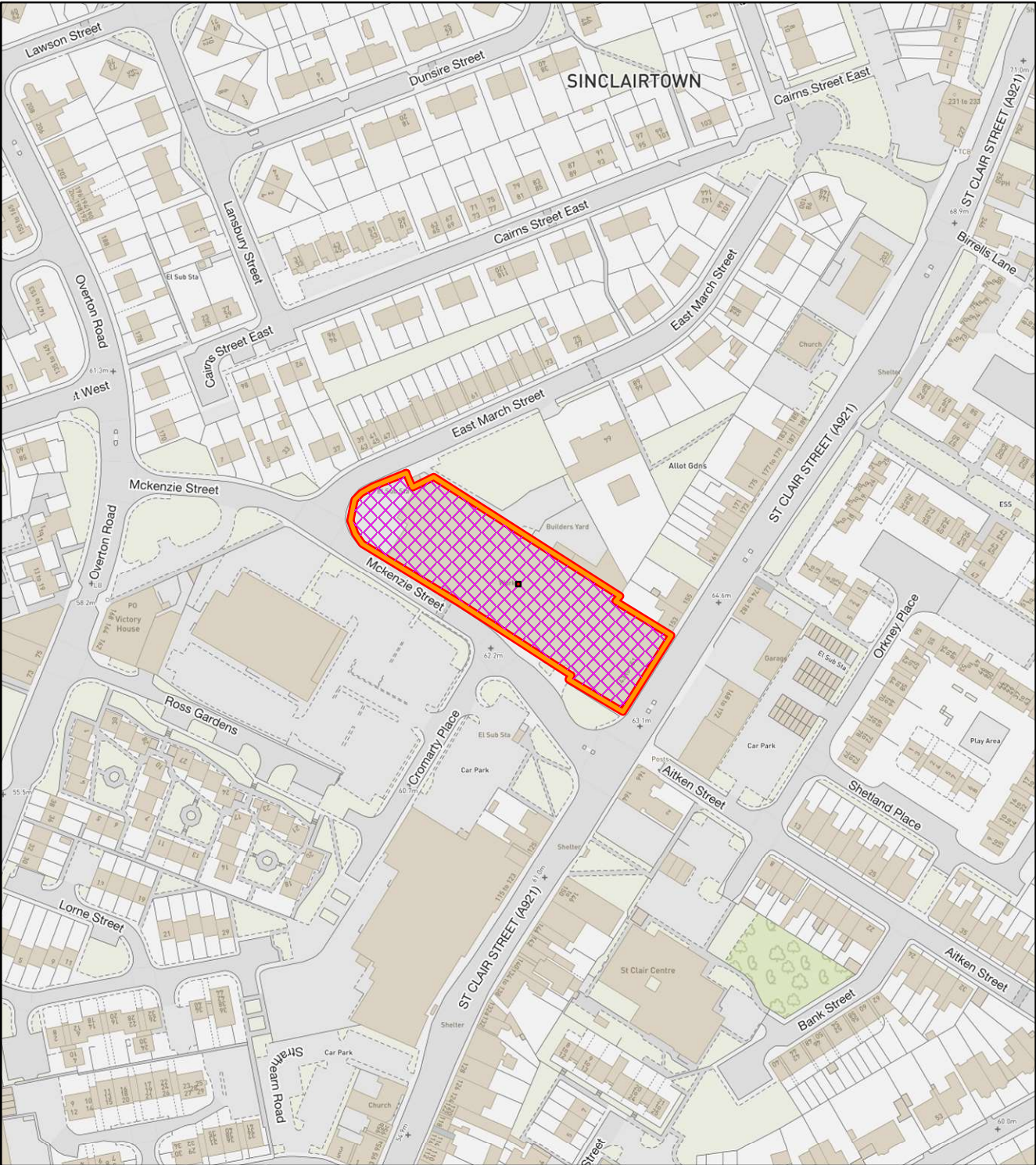
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Legend



Application Boundary

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Economy, Planning & Employability Services

ITEM NO: 7

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01113/FULL

SITE ADDRESS: LESLIE HOUSE GLENROTHES FIFE

PROPOSAL: PROPOSED CONVERSION OF LESLIE HOUSE TO FORM 24 FLATS, ERECTION OF 8 NEW BUILD DWELLINGHOUSES, ASSOCIATED PARKING, ACCESS, LANDSCAPING AND DRAINAGE (SECTION 42 APPLICATION TO AMEND CONDITION 1 OF PLANNING PERMISSION 18/02425/FULL)

**APPLICANT: BYZANTIAN DEVELOPMENTS LTD
THE ENGINE SHED AT THE LINEN QUARTER WINTERTHUR
LANE DUNFERMLINE**

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

CASE OFFICER: Jack Wilson

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

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The application has received an objection from a statutory consultee (Leslie Community Council) that is contrary to the officer's recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

The Scottish Parliament voted to approve National Planning Framework 4 on the 11th January 2023, with it being formally adopted on the 13th February, 2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to support the planning and delivery of sustainable places, liveable places, and productive places. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4 prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan (2017) and associated Supplementary Guidance provides the most recent detailed planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAY plan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the Adopted NPF4 and the Adopted FIFEplan LDP 2017.

1.0 SITE DESCRIPTION

1.1 The application site extends to approximately 1.9 hectares, located to the east of Leslie and to the north of Glenrothes. It comprises the Category A listed Leslie House and associated gardens, part of the main driveway leading up to the house and an area of woodland and footpaths to the east. The application site is bound by woodland on all sides. Beyond the site to the north is the Lothrie Burn, the River Leven to the south, to the east is a car park and associated access road and to the west is the remainder of the Leslie House driveway and Category B listed entrance gates with boundary walls. The Category C listed Duke's Lodge is situated 150 metres to the northwest of the application site and the Category B listed Duchess Lodge is located approximately 450 metres to the west.

1.2 An application to vary a planning condition is made under section 42 of the Town and Country Planning (Scotland) Act 1997. Condition 1 of planning permission: 18/02359/FULL states:

Construction of the 8 new build houses shall not commence until completion of the 24th flatted dwelling within Leslie House and, the new roof shall have been installed and all new external windows and external doors fitted to Leslie House and be wind and watertight.

1.3 The section 42 application requests Condition 1 is amended to read:

Construction of the 8 new build houses shall not commence until the completion of the replacement roof and window installation within the listed building and verification of completion of these works is submitted to the Fife Council in order to confirm that the listed building is wind and watertight and safe from collapse and trespassing. Occupation of any of the eight new build houses shall not occur until the completion of the 24th flatted dwelling within Leslie house.

1.4 Procedural Matters

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

1.5 Planning History

The site has been subject to a number of planning applications, those of relevance are outlined below:

November 2007 - Change of use from Nursing Home to 17 flats and development of part of grounds to form 12 houses was approved at the Central Area Planning Committee subject to 30 conditions (planning reference

December 2007 - Listed Building Consent for redevelopment of Category A Listed Building to form 17 flats and re-positioning of gates was approved at the Central and West Planning Committee subject to 14 conditions (planning reference: 06/00221/CLBC),

October 2020 - Full Planning Permission for the proposed conversion of Leslie House to form 24 flats, erection of 8 new build dwellinghouses, associated parking, access, landscaping and drainage was approved at the Central and West Fife Planning Committee subject to 25 conditions (Planning Reference 18/02425/FULL,

October 2020 - Listed Building Consent for the conversion of Leslie House (Category A Listed Building) with new build enabling development was approved at the Central and West Fife Planning Committee subject to 8 conditions (Planning Reference 18/02426/LBC),

June 2022 - Listed Building Consent for changes to materials (18/02426/LBC) was refused at the Central and West planning committee (planning reference: 22/00286/LBC),

January 2023 - Listed Building Consent for repositioning of extensions and external alterations (18/02426/LBC) was approved subject to one condition (planning reference: 22/03806/LBC).

2.0 PLANNING ASSESSMENT

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

- Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended
- Impact on Listed Building
- Tests of a Condition

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

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

original planning permission will continue to subsist whatever the outcome of the application under section 42 of the Act.

2.1.2 Section 42 applications do not revisit or re-establish the principle of development on the site but only consider the appropriateness of the conditions attached to the previous consent. When assessing whether any condition attached to the application is relevant, there will be a requirement to consider certain aspects of the approved development. Section 42 applications require the developer to specify which condition(s) they are looking to amend or remove; the developer must support the application with sufficient information to identify and justify conditions for amendment or removal.

2.1.3 in this case the applicant seeks to amend the wording of Condition 1 which states:

Construction of the 8 new build houses shall not commence until completion of the 24th flatted dwelling within Leslie House and, the new roof shall have been installed and all new external windows and external doors fitted to Leslie House and be wind and watertight.

Reason: To protect the listed asset.

The revised wording for Condition 1 as proposed by the applicant would be;

Construction of the 8 new build houses shall not commence until the completion of the replacement roof and window installation within the listed building and verification of completion of these works is submitted to the Fife Council in order to confirm that the listed building is wind and watertight and safe from collapse and trespassing. Occupation of any of the eight new build houses shall not occur until the completion of the 24th flatted dwelling within Leslie house.

In effect the revised wording would allow for the eight new build houses to be developed on completion of works to make the Listed Building wind and watertight, rather than when its conversion to 24 flats has been completed. The revised wording would however prevent those houses from being occupied until the works to convert the Listed Building to 24 flats had been completed.

2.2 Impact on the Listed Building

2.2.1 NPF4 Policy 7 (Historic Assets and Places) states that) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported. Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:

- i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
- ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

2.2.2 FIFEplan Policy 1 (Development Principles) supports proposals in a location where the proposed use is supported by the Local Development plan. Part B requires development to safeguard the characteristics of the historic environment. Policy 14 (Built and Historic Environment) provides further detail, by stating that enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. The supporting text within Policy 14 elaborates that enabling development should meet a pre-defined need either to prevent the loss of or to enhance the historic asset. To be acceptable, it must be demonstrated that the enabling development is the only means of preventing the loss of the asset and securing its long-term future. Development should be the minimum necessary to achieve these aims. All work to the asset should comply with Fife Council's and Historic Environment Scotland's policy, advice and standards.

2.2.3 Three objections have been received in relation to the proposals impact on the successful restoration and safeguarding of Leslie House. Leslie Community Council were also consulted on this application and objected on the basis that the complete renovation of Leslie House should be prioritised over the construction of the new build houses.

2.2.4 Condition 1 of planning permission: 18/02425/FULL was included to restrict the timing of the commencement of the development of the new build houses, which were only considered acceptable as part of the wider development designed to restore and secure the future of the Leslie House. Through Condition 1 the permission granted sought to ensure that the restoration of the Listed Building was secured and that the new build housing contributed to achieving that restoration. Removing Condition 1 in its entirety could result in only the new build housing being developed without any progress being made in terms of securing the future of the Listed Building.

2.2.5. The applicant contends that the condition is not necessary to regulate the development and would in fact make the delivery of the development more difficult and thus will not protect the listed building. The applicant elaborates by stating that the construction of the 8 new build houses prior to the completion of the restoration of Leslie House would not undermine the benefits of the development and that the flexibility the amendment to the condition gives would assist with the delivery of the scheme as a whole.

2.2.6 Following a lengthy period of vacancy and extensive fire damage, Leslie House is currently in poor structural condition and in order to secure its future extensive repairs are required to make the building wind and watertight and reduce its vulnerability to further acts of damage and vandalism. The applicants proposed revised wording for Condition 1 would allow for the construction of the new housing units to progress once it has been confirmed that these structural works are completed.

2.2.7 The latter part of the revised Condition 1 then requires that the works to convert the building to form 24 flats is completed before the eight new build houses are occupied. This provides assurance that Leslie House would be brought back into active use, which is the ultimate goal in terms of securing the long terms future of the Listed Building.

2.3 Tests of Conditions

2.3.1 Circular 4/1998 states that conditions must have a clear and precise reason and should be used to achieve a specific end and should be tailored to tackle specific problems, rather than impose unjustified controls. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning;
- relevant to the development permitted;
- enforceable;
- precise; and;
- reasonable in all other respects.

2.3.2 When assessing the condition variation against the six tests of Circular 4/1998, the condition variation would be necessary to tackle a specific issue and achieve the desired objective, in this case to protect the listed asset. The condition is relevant to planning and the development permitted as the successful restoration of the listed building is safeguarded through the implementation of the condition. The specific requirements of the proposed condition would require the applicant to successfully demonstrate that the listed building is wind and watertight, safe from collapse and trespassing to the Planning Authorities satisfaction. The Condition also limits the occupation of the new build houses until the completion of the 24th flatted dwelling in Leslie House. These requirements are precise in achieving the desired outcome of protecting the listed asset. Regarding the condition being enforceable, should the planning authority be made aware that construction of the new build houses begin prior to this evidence being submitted and considered, relevant enforcement action would be able to be taken. The proposed varied condition would also allow the final restoration of Leslie House to occur in tandem with the construction of the new build houses (once it has been demonstrated that the listed building is secured) and so would be viewed as being reasonable.

CONSULTATIONS

Community Council

Object based on the proposals impact to the successful restoration and safeguarding of Leslie House.

REPRESENTATIONS

3 letters of objection were received. The material considerations raised are addressed in section 2.1.5.

CONCLUSIONS

The proposed varied condition has been demonstrated to remain in compliance with the relevant national and local policy considerations by providing the minimum necessary requirements to secure the restoration, adaption and long-term future of the listed building. The proposal also remains compliant with six tests of Circular 4/1998. It is therefore recommended that the application be recommended for approval.

RECOMMENDATION

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

1. Construction of the 8 new build houses shall not commence until the completion of the replacement roof and window installation within the listed building and verification of completion of these works is submitted to the Fife Council in order to confirm that the listed building is wind and watertight and safe from collapse and trespassing. Occupation of any of the eight new build houses shall not occur until the completion of the 24th flatted dwelling within Leslie house.

Reason: To protect the listed asset.

2. All roads and associated works serving the proposed development being constructed in accordance with the current SCOTS National Roads Development Guide incorporating the Fife Council Regional Variations and Designing Streets.

Reason: In the interest of road safety; to ensure the provision of adequate design

3. Prior to occupation of each property, off-street parking with minimum dimensions of 2.5m x 5m per space shall be provided for that property in accordance with the following schedule and remain in place in place for the lifetime of the development:

- o 1.25 spaces for each of the 17 of the apartments within the listed building
- o 2.25 parking spaces for each of the remaining apartments and each 3 bedroom new build house
- o 3.25 parking spaces for each of the 4 bedroom new build houses.

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

4. Prior to commencement of construction works on site, details of the new access road to the east of the site shall be submitted to this planning authority for written approval. The road shall thereafter be constructed prior to commencement of construction of the six houses to the rear of Leslie House.

Reason: In the interest of road safety; to ensure the provision of adequate site access.

5. All planting carried out on site shall be maintained in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced within the first planting season (November to March).

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.

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

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

7. Prior to the commencement of development, a badger survey, including mitigation if appropriate, of the application site and surrounding grounds should be undertaken and submitted for the approval of Fife Council. For the avoidance of doubt, the badger survey should be carried out no more than one month before works are due to commence.

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

8. For the avoidance of doubt, the recommendations of the Extended Phase 1 Survey Report (dated 7th July 2020), Bat Survey Report and Species Protection Plan (dated 28th July 2020) and the Aerial and Nocturnal Tree Assessment Update (dated 15th October 2020) all by Direct Ecology shall be implemented in full.

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

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| STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS |
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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/Guidance

- Section 42 Town and Country Planning (Scotland) Act 1997 as amended
- Circular 4/1998: the use of conditions in planning permissions
- National Planning Framework 4 (2023)

Local Policy/Guidance

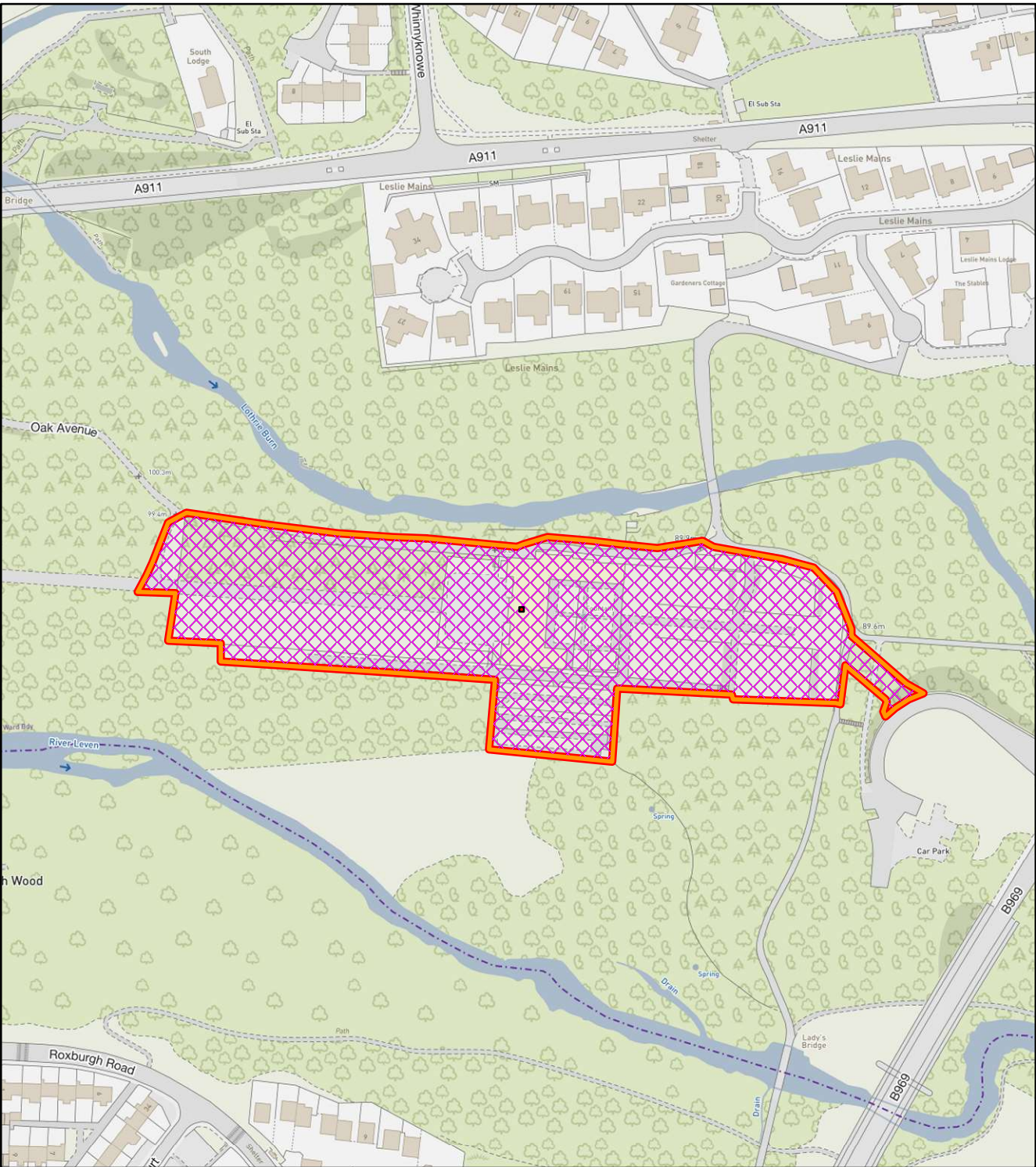
- Adopted Local Development Plan - FIFEplan (2017)

Report prepared by Jack Wilson, Planning Assistant

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

Date Printed 16/03/2023

Leslie House Glenrothes



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Legend



Application Boundary

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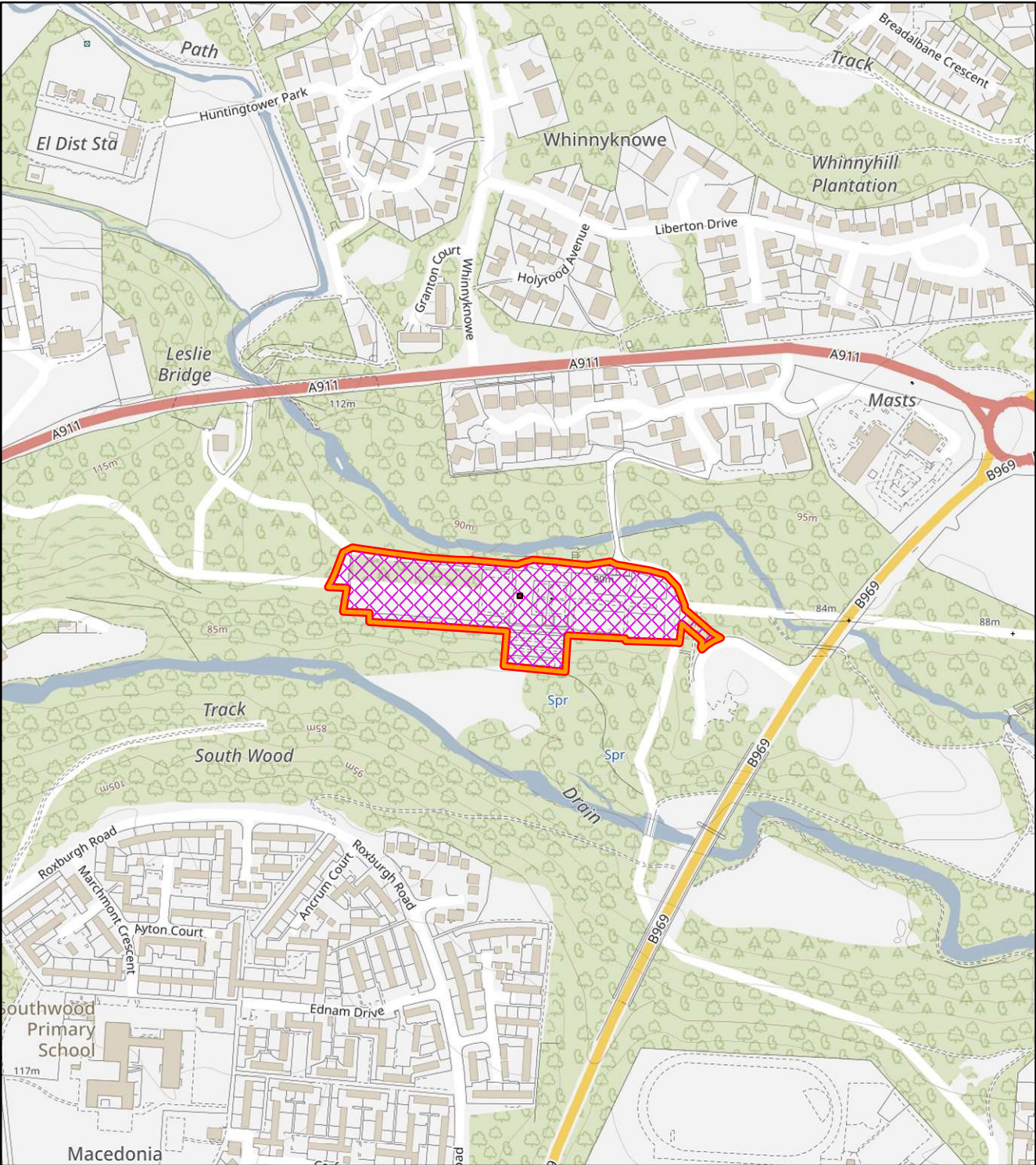
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Application Boundary

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