

West and Central Planning Committee

Committee Room 2, 5th Floor, Fife House, North Street,
Glenrothes



Wednesday, 8 November, 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 11 October 2023. 4 - 5

4. 22/02607/ARC - PRIMROSE LANE, ROSYTH 6 - 30

Application for Matters specified in Conditions for 143 residential units and associated infrastructure, drainage and landscaping as required by condition 1(a), (b), (d), (e), (f) and Condition 2 and 3 of 18/02763/PPP.

5. 23/02507/FULL - MAIN STREET, VALLEYFIELD 31 - 38

Erection of two storey extensions to rear and side of dwellinghouse.

6. 23/02269/LBC - MAIN STREET, VALLEYFIELD 39 - 46

Listed building consent for two storey extensions to rear and side of dwellinghouse, installation of replacement roof and windows, formation of new openings and internal alterations (part retrospective).

7. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Lists of applications dealt with under delegated powers for the period 2 October to 29 October 2023.

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

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

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

Fife House
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1 November, 2023

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Agendas and papers for all Committee meetings can be accessed on
www.fife.gov.uk/committees

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 have cameras switched on during meetings and mute microphones when not speaking. During any breaks or adjournments please switch cameras off.

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

Committee Room 2, 5th Floor, Fife House, North Street, Glenrothes

11 October 2023

2.00 pm – 2.35 pm

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

ATTENDING: Mary Stewart, Service Manager - Major Business & Customer Service, Lorraine Gardiner, Planning Assistant, Jamie Ure, Planning Assistant, Planning Services; Steven Paterson, Solicitor, Gemma Hardie, Solicitor, Michelle Hyslop, Committee Officer, Legal and Democratic Services.

119. DECLARATIONS OF INTEREST

No declarations of interest were submitted in terms of Standing Order No. 22.

120. MINUTE

The committee considered the minute of the West and Central Planning Committee of 16 August 2023.

Decision

The committee agreed to approve the minute.

121. 20/01207/PPP - SUNNINGDALE LANE, DUNFERMLINE

The committee considered a report by the Head of Planning Services relating to an application for planning permission in principle for erection of dwellinghouse and formation of new access.

Decision

The committee agreed: -

- (1) to amend Condition 10 to read “The Core Paths (P588/08 and P588/07) which run past the western and northern part of the application site, shall be kept clear of all obstructions for the duration of any construction period and maintained as such following completion of work. No works shall be undertaken which in any way impinge or obstruct the core paths on or adjacent to the application site, unless otherwise agreed in writing with Fife Council as the Planning Authority”, and
- (2) to approve the application subject to the 15 conditions and for the reasons detailed in the report

122. 23/01959/FULL - DUNFERMLINE TELEPHONE EXCHANGE, 19 ABBEY PARK PLACE, DUNFERMLINE

The committee considered a report by the Head of Planning Services relating to an application for installation of 3no. Antenna atop Dunfermline telephone exchange at a maximum height of 21.3m along with ancillary equipment thereto including RRUS, BOBS, MHAS and GPS module.

Decision

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

123. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Decision

The committee noted the list of applications dealt with under delegated powers for the period 4 September to 1 October 2023.

ITEM NO: 4

APPLICATION FOR APPROVAL REQUIRED BY CONDITION(S) REF: 22/02607/ARC

**SITE ADDRESS: LAND TO NORTH OF PRIMROSE LANE WHINNYBURN PLACE
ROSYTH**

**PROPOSAL: APPLICATION FOR MATTERS SPECIFIED IN CONDITIONS
FOR 143 RESIDENTIAL UNITS AND ASSOCIATED
INFRASTRUCTURE, DRAINAGE AND LANDSCAPING AS
REQUIRED BY CONDITION 1(A), (B), (D), (E), (F) AND
CONDITION 2 AND 3 OF 18/02763/PPP**

**APPLICANT: J.SMART & CO (CONTRACTORS) PLC
28 CRAMOND ROAD SOUTH EDINBURGH UK**

**WARD NO: W5R05
Rosyth**

CASE OFFICER: Natasha Cockburn

DATE REGISTERED: 2 September 2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

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

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

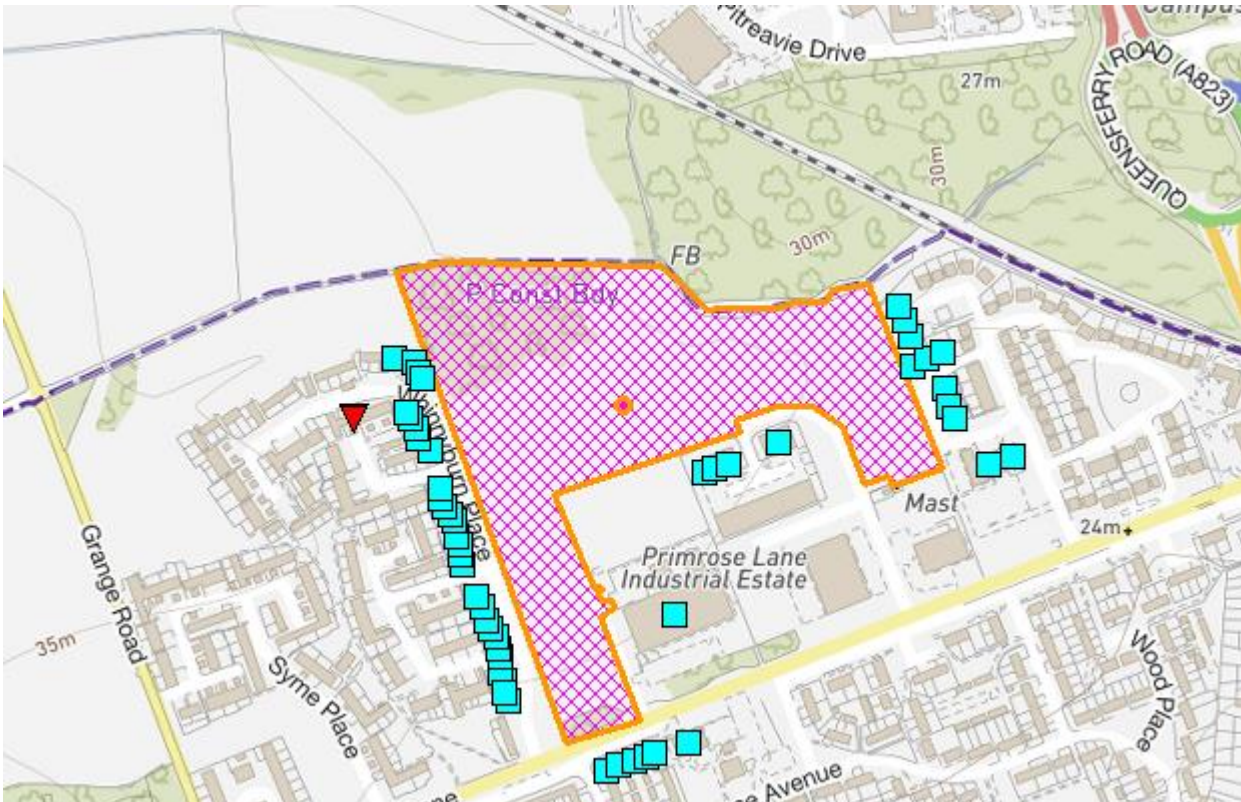
**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL
CONSIDERATIONS**

1.0 BACKGROUND

1.1 The Site

1.1.1 The application site extends to approximately 17 hectares of grassland, scrub and woodland, located to the north of Primrose Lane Industrial Estate, in the Camdean area of Rosyth. The site is slightly raised in the centre and gently slopes down to the north and south. The site is bounded to the east and west by residential areas, the area to the west comprising predominantly 1970's and 1980's housing and the area to the east comprising a more modern development. To the north of the site lies an area of protected open space, defined as an Existing Green Network Asset and beyond that is the Dunfermline N/S/SW Strategic Land Allocation of 326.7 hectares (DUN035). Along the northern boundary is the Rosyth Bypass Road Proposal which runs from the west of the Strategic Development Area to Pitreavie Roundabout to the east of the site, beyond the Industrial Estate and residential area. To the south of the site lies Primrose Lane Industrial Estate, including an industrial bakery.

LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This is an Approval of Matters Specified in Conditions application, following on from 18/02763/PPP. The application proposes 143 residential units forming the remainder of the overall development site and this is submitted in accordance with conditions 1(a), (b), (d), (e), (f) and conditions 2 and 3 of the Planning Permission in Principle (PPP). The proposal includes a variety of detached, semi-detached and terraced units. Access into the site would be taken from Primrose Lane from a new access that has already been constructed. The application would construct a new primary route through the centre of the site and a series of secondary routes would branch from this. Small areas of open space are incorporated and a mixture of parking courts and in curtilage parking is proposed. Pedestrian and cycle connections are proposed through the site.

1.2.2 A previous application for Approval of Matters Specified in Conditions 1(c), 2, 4, 5 and 6 of 18/02763/PPP for the erection of commercial unit and associated access and parking has already been approved but construction work has not commenced. That part of the site relates to the southern section, adjacent to the existing bakery unit.

1.3 Relevant Planning History

18/02763/PPP - Planning permission in principle for residential development and bakery, including use Class 4 (Business), 5 (General Industrial) and 6 (Storage or Distribution) - Permitted subject to Conditions following the conclusion of a legal agreement - 22/01/20

20/00461/ARC - Application for Approval of Matters Specified in Conditions 1(c), 2, 4, 5 and 6 of Planning Permission in Principle 18/02763/PPP for erection of commercial unit and associated access and parking - Permitted subject to Conditions - 08/01/21

23/00594/ARC - Application for Approval of Matters Specified in Conditions 1(c), 2, 4, 5 and 6 of Planning Permission in Principle 18/02763/PPP for erection of commercial unit and associated access and parking (Section 42 application to re-word condition 2 and 3 of planning application 20/00461/ARC to vary reference to the Acoustic Report and boundary details) - Permitted subject to Conditions - 09/03/23

1.4 Application Procedures

1.4.1 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.

1.4.2 As the principle of development has been established across the whole site, this further application for approval of Matters Specified in Conditions proposes 143 residential units and is submitted in compliance with Condition 1. Condition 2 sets out the submission requirements for the submission.

2.0 ASSESSMENT

2.1 Relevant Matters

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

- Compliance with the PPP
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Sustainability
- Affordable Housing
- Developer Contributions
- Education
- Open Space and Play Areas
- Public Art

2.2 Compliance with the PPP

2.2.1 Whilst the principle of development does not need to be revisited for an application of Matters Specified in Conditions, the proposal still needs to comply with the conditions set out in the original PPP to be considered acceptable. In this regard, the current application has been submitted under condition 1 a, b, d, e and f of the original PPP which requires further applications for the construction of market residential units, the affordable residential units (at 25%, SUDS and drainage infrastructure, roads, access, footpath and cycle provision and open space and play provision. Conditions 2 and 3 set out the information requirements for these types of applications.

2.2.2 Condition 2 a) – c) requires details of the existing site, detailed plans of the proposed roads and footpaths and the proposed buildings and boundary treatments and landscaping, design and materials. Condition 2 d) requires the submission of a landscaping scheme and boundary treatment, Condition 2 e) requires details of the future management and aftercare of the proposed landscaping and planting and Condition 2 f) requires plans showing existing site sections. This information has been submitted.

2.2.3 Condition 3 a) requires the submission of a Phase 1 Desk Study report for ground contamination, 3 b) requires the submission of an Energy Statement of Intention and a sustainable development checklist, in line with the terms of FIFEplan (2017) Policy 11 and Fife Council's Supplementary Planning Guidance Low Carbon Fife (2019), or equivalent, Condition 3 d) requires the submission of a Construction Method Statement, including an Environmental Protection Plan and Scheme of Works relating to construction activities on site; Condition 3 e) Requires the submission of a Public Art Strategy for the site, Condition 3 f) requires a landscape and Open Space Strategy for the whole site; Condition 3 g) requires a Play Provision and Outdoor Access Strategy for the whole site; 3 h) requires A SUDS and Drainage Strategy for the whole site and 3 m) requires an ecology report including appropriate mitigation measures for loss of habitat shall be produced by a qualified ecologist.

2.2.4 Condition 3 i) – l) sets out transportation requirements including the requirement for the submission of details of a raised Puffin Crossing to replace the existing Zebra Crossing on Primrose Lane; details of 3 metres wide footpath/cyclepath links to the northern boundary of the site (southern boundary of the Dunfermline N/S/SW Strategic Land Allocation and the eastern boundary of the site adjacent to Jutland Street; details of a minimum of 4 footpath links with Whinnyburn Place to the west of the site; and a Development Framework Plan showing the whole site, including a phasing plan showing the build out of the buildings and the provision of the footpath links set out in (j), (k) and (n) above.

2.2.5 Condition 5 a) requires the submission of a Design and Access Statement that includes a statement of conformity with the design principles set out in Development Framework Plan approved under condition 3(m) and a Block Plan in accord with Making Fife's Places Supplementary Guidance or any revision of this document. Condition 5 b) requires details of roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, boundary treatment and details of proposed landscape treatment; Condition 5 c) requires a statement of conformity with the recommendations of the CSP Acoustic Report (January 2019); Condition 5 d) requires a Statement of conformity with the recommendations of the Extended Phase 1 Survey Report (Wildlife Partnership, March 2018); Condition 5 e) requires details of biodiversity enhancement features, including but not limited to swift boxes integrated into suitable buildings, in accord with the requirements of Making Fife's Places Supplementary Guidance or any revision of this document; Condition 5 f) requires a statement of conformity with the sustainable building materials and construction practice requirements of FIFEplan Policy 11: Low Carbon Fife and Making Fife's Places Supplementary Guidance; and Condition 5 g)

requires a statement of conformity with any mitigation measures, commitments or requirements contained in any of the documents submitted under the terms of Condition 3 or 4.

2.2.6 Overall, the proposed development complies with the PPP requirements as set out within the conditions of the PPP. The details submitted to meet the required matters under Condition 2, 3 and 5 and the compliance with the documents set out with paragraph 2.2.3 – 2.2.5 shall be considered in the following paragraphs.

2.3 Design And Layout / Visual Impact

2.3.1 Policy 14 of NPF4 (2023) and Policies 10 and 14 of FIFEplan (2017), Fife Council Customer Guidelines on Garden Ground (2016) and Supplementary Guidance Making Fife's Places (2018) apply in regards to design and layout and visual impact.

2.3.2 Condition 5 a) requires the submission of a Design and Access Statement that includes a statement of conformity with the design principles set out in Development Framework Plan approved under condition 3(m) and a Block Plan in accord with Making Fife's Places Supplementary Guidance or any revision of this document. Condition 5 b) requires details of roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, boundary treatment and details of proposed landscape treatment. Condition 2 a) – c) requires details of the existing site, details plans of the proposed roads and footpaths and the proposed buildings and boundary treatments and landscaping, design and materials. Condition 2 d) requires the submission of a landscaping scheme and boundary treatment.

2.3.3 The submission requirements set out in the PPP have been met. The submission includes a Design and Access Statement, a block plan and details of levels, boundary treatments, landscaping, roads and footpaths and the proposed buildings.

2.3.4 Objection comments received note concern that the proposed layout is too dense. In this regard, the proposals are for the erection of 143 units. This ties in with the proposals included in the original PPP and, on a more detailed assessment, the open space and garden ground levels are appropriate which demonstrates that the density is appropriate for the site. Furthermore, the density appears to tie in well with the urban grain of the surrounding existing residential properties which include a mix of terraced, semi-detached and detached houses to the east and the west. The layout and density ties in particularly well with the existing residential properties to the west side of the site which contains a high number of terraced houses.

2.3.5 Objection comments received note concern at the lack of a buffer to Whinnyburn Place, which is to the west side of the proposed development. Tree planting and grass is proposed along much of this boundary and where there are gardens adjacent to the site boundary, a 1.8m high wall is proposed. It is not considered that there should be a significant buffer between the proposed development site and the existing residential area, in order to provide as much integration between the new site and the existing surrounding area as possible. Privacy issues are assessed further in section 2.4 but there are no privacy concerns with the proposed development in relation to the existing residents to the west of the site therefore no additional buffers would be expected to be required here. The proposed tree planting, hedge planting and screen walls (where required for gardens) would provide an enhancement to the visual amenity of this area and create a good transition between the existing and proposed housing, whilst still providing enhanced integration between the site and the surrounding area.

2.3.6 Concerns from neighbours query whether neighbour's fences would be affected by building work and how the developer would be treating the area between the existing fences and the development. There is an existing, low, timber fence along parts of the eastern boundary of the

site. The applicant does not own this fence or any of the land beyond the fence to the east, therefore it is not possible or reasonable to expect the applicant to treat the area beyond the existing fencing and the existing fence would be left as it is. The area immediately adjacent to the existing fence to the east of the site is proposed to be grassed with 1.8m high timber garden fences associated with gardens at that location. There is an existing gas wayleave along the eastern boundary of the site, which prevents building on much of this area. Tree planting and a play area are proposed to the south east and a SUDS basin and existing trees to the north east.

2.3.7 The site layout has been amended to reflect discussions with the applicant, case officer and urban design officer in regards to design and layout. The amendments are welcomed and have incorporated the inclusion of landscape features at nodal points throughout the site, the SUDS features have been rearranged to ensure that they integrate better within the site and are overlooked, providing a feature of the site rather than an engineering requirement. Buildings overlook the open space areas and SUDS to provide active frontages onto useable spaces. The landscape features within the nodal points would help to slow traffic naturally at key points throughout the site and provide distinctiveness throughout the site. It is suggested that a condition is included to ensure that the landscape features are delivered and that they are appropriately treated. There are a number of prominent gable elevations across the site, and a condition is recommended to ensure that these are all active gables with windows and/or other features to help activate the public realm.

2.3.8 A high acoustic barrier, at 5m at its highest point, is required to mitigate against noise levels associated with the industrial bakery building to the south. It was known at the PPP stage that a barrier would be required at this location but it was suggested at that stage that it would only need to be 2m high. The applicant has provided illustrations showing how the fence would appear from different locations and it is considered that, given its location to the rear of the building, with it being lower than the building and with the planting proposed to soften its appearance, it would be acceptable visually.

2.3.9 Overall, the proposals are acceptable in regards to design, layout and visual impact and meet the requirements of the PPP and the relevant policies and guidance of NPF4 and FIFEPlan.

2.4 Residential Amenity

2.4.1 NPF 4 Policies 14 and 23, Policies 1 and 10 of FIFEplan Local Development Plan (2017) and Fife Council Customer Guidelines on Daylight and Sunlight (2018), Minimum Distances between Window Openings (2011), Garden Ground (2016) and PAN 1/2011 (Planning and Noise) apply in terms of residential amenity.

2.4.2 Condition 5 c) of the PPP requires the submission of a statement of conformity with the recommendations of the CSP Acoustic Report (January 2019). Condition 3 d) requires the submission of a Construction Method Statement, including an Environmental Protection Plan and Scheme of Works relating to construction activities on site.

2.4.3 Objection comments note concern regarding overshadowing and specifically to neighbouring properties at 39 Jutland Street. Concerns have been raised regarding privacy and note that ground levels are unclear. The proposed levels for across the site have been provided. Jutland Street lies to the north east of the application site. The levels of the proposed site sit slightly lower than the garden boundaries of Jutland Street. In regards to privacy, the window to window distance between the proposed units at plots A25 – A28 and the existing properties at Jutland Street (numbers 37 – 41) would be 28m which is well above the 18m set out within the Fife Council Guidance. The gable of number 27 Jutland Street would be over 19m from the rear

of plot A28 which exceeds the 18m distance set out within the guidance. The garden lengths of Plots A25 - A28 would be just over 8m long, which is as per the Fife Council Garden Ground guidance, which would provide adequate privacy to neighbours out with the site at Jutland Street to the east. In addition, there is further distance of 9m between the garden fences of Plots A25 – A28 and the existing properties at Jutland Street, which would provide a further 9m between the rear of the proposed gardens and the rear of the existing gardens at Jutland Street. The gable at Plot A29 would be approximately 28m from the rear of the properties at Jutland Street to the east, which exceeds the window-to-window distance set out within the guidance. Plots 11 – 17 to the west side of the site would have a window-to-window distance of between 36 -48m to the houses out with the site at Whinnyburn Place, which exceeds the 18m distance set out within the guidance. Similarly, Plots 3 – 10 would have a window-to-window distance of between 36m – 49m to the houses out with the site at Whinnyburn Place. Plot 35 to the north west of the site would have a window to window distance of 25m to 49 Webster Place, out with the site to the west and the distance between gardens would be 21m. Plot 40 would have a window to widow distance of 35m to the houses out with the site at Whinnyburn Place and there would be a distance of 28m from Plot 38. The window-to-window distance and the distances between gardens between proposed units within the site and existing properties out with the site would all be over the distances that are set out within the guidance. There would be no issues regarding privacy resulting from the proposed development.

2.4.4 Within the site itself, window to window distances would all be over 18m, and gardens would be 8m long and above. In regard to garden ground throughout the site, the smallest garden grounds would relate to terraced properties which would contain a garden ground of approximately 55sqm at the lowest, up to 85sqm with some above 85sqm in area. Semi-detached and detached properties would contain garden grounds of 85sqm at the lowest for a semi-detached property and approximately 163sqm at the highest. The guidance in relation to garden ground sets out an aim of 100sqm of garden ground for detached and semi-detached properties and 50sqm for flats. Most of the gardens within the site would be 100sqm or above, with the exception of all of the terraced properties and some semi-detached. It is accepted that terraced properties are likely to contain smaller garden sizes due to their nature as more narrow plots with longer and narrower gardens, and that can be the case with some semi-detached properties too. With the majority of the gardens proposed being 100sqm or above, the smaller gardens still provide amenity space for residents to enjoy but allows choice for future residents who may choose to have a smaller garden. With amenity space proposed throughout the site itself, plus the character of the surrounding houses to the west side, containing smaller plot and garden sizes within a terraced formation, it is considered that a smaller garden in some properties throughout the proposed layout is acceptable in this instance.

2.4.5 In regards to daylight and sunlight, the proposed dwellings adjacent to the existing dwellings to the east of the site adjacent to Jutland Street would be to the west of the existing dwellings at this location. There would be some overshadowing from proposed dwellings, but no significant loss of sunlight would occur at this location given the distance between the proposed dwellings and the existing. Similarly, the existing dwellings to the east of the site contain their amenity space behind the dwellings to the east. In regards to daylight, a 25-degree test is appropriate for this site, given all proposed and existing dwellings are directly facing. There would be no significant detrimental to the daylight levels experienced by the neighbouring dwellings as a result of the proposal. The proposal would, therefore, comply with the Development Plan in this respect and would be acceptable in this instance. The proposed dwellings within the application site have also been designed to ensure that no properties would significantly overshadow or block daylight/ sunlight to any other adjacent proposed properties within the site itself. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.4.6 Concerns have been raised regarding potential noise from the bakery extension and potential noise pollution throughout the construction period. Concerns have been raised that there will be an increase in vans between 2.30am - 4.30am. The applicant has submitted a Noise Impact Assessment and a Statement of Conformity to the Noise Impact Assessment as required by the PPP. The Noise Report sets out that an acoustic barrier of between 4m – 5m is required to surround the proposed bakery building to the north and the east of the site between the bakery building and the proposed housing. The PPP set out that the required acoustic barrier would only need to be 1.8m high, so this is a significant increase in comparison to what had been expected. Fife Council Environmental Health Officers have reviewed the information submitted and have advised that they are content with the submitted noise report. However, it is noted that because the report highlights that noise from the bakery may detrimentally affect any prospective residents, an extensive acoustic barrier is recommended. It is therefore important that the barrier is properly constructed to specification and Environmental Health Officers advise that a condition requiring all works forming part of the sound attenuation scheme as specified within the Noise Report are completed and written evidence to demonstrate that the specified, target noise levels have been achieved are submitted, prior to the occupation of any of the residential properties.

2.4.7 Whilst it would be preferable not to have such a significant barrier at this location in visual amenity terms, it is required in order to appropriately address the noise impact that may be created by the proposed bakery extension that has planning permission and was considered as part of the overall PPP. To reduce the size of the barrier would impact on the effectiveness of the noise retention and it is not considered that this would be an appropriate route to take, given the impact that this could have on an existing business. Therefore, to address the significant height of the proposed barrier, tree planting is proposed in this area to provide some screening of the fence. It is recommended that the tree planting is conditioned. In regards to the impact of the barrier on the daylight or sunlight to proposed new properties immediately adjacent to the barrier, it is considered that there would be overshadowing to the gardens of the proposed properties to the north, given the fence would be to the south of the gardens. However, there is already a 6.8m high building approved at that location which would create overshadowing, which the proposed fence would be lower than. The fence would be at a 10m – over 20m distance to the gardens of the proposed properties with a buffer of planting in between and would not have a significant adverse impact on the amenity of the residents of the proposed new homes at this location.

2.4.8 Condition 3 d) of the PPP requires the submission of a Construction Method Statement, including an Environmental Protection Plan and Scheme of Works relating to construction activities on site. A Construction Method Statement was submitted with this ARC which sets out information regarding noise, vibration, dust control and waste management. It does not provide an Environmental Protection Plan or Scheme of Works and it is not likely that this information will be available until such time that construction works are ready to commence, therefore it is recommended that this condition should be carried over to the ARC.

2.4.9 Subject to conditions, the proposals are compliant with the relevant policies and guidelines of NPF4 and FIFEplan and the requirements set out within the PPP.

2.5 Transportation/Road Safety

2.5.1 Policy 14 of NPF4 (2023) and Policies 10 and 14 of FIFEplan (2017) and Supplementary Guidance Making Fife's Places (2018) apply regarding transportation and road safety impact.

2.5.2 Condition 3 i) – l) sets out transportation requirements including the requirement for the submission of details of a raised Puffin Crossing to replace the existing Zebra Crossing on

Primrose Lane; details of 3 metres wide footpath/cyclepath links to the northern boundary of the site (southern boundary of the Dunfermline N/S/SW Strategic Land Allocation and the eastern boundary of the site adjacent to Jutland Street; details of a minimum of 4 footpath links with Whinnyburn Place to the west of the site; and a Development Framework Plan showing the whole site, including a phasing plan showing the build out of the buildings and the provision of the footpath links set out in (j), (k) and (n) above.

2.5.3 Concerns have been raised by representations in regard to increase in traffic as a result of the proposal. Comments have noted concern that Primrose Lane would become gridlocked. The traffic impact of the proposals was assessed at the PPP stage and is not to be re-considered at this stage of the process. The recommendations set out within the conditions of the PPP have been addressed in regards to transportation, including any concerns with traffic. Concerns have been raised that replacing a zebra crossing with a puffin crossing will not reduce the risk of accidents. Again, the requirement for a Puffin Crossing was set out at the PPP stage, and was considered by the relevant expert consultees as the best solution for this proposed development. The requirement of a Puffin Crossing is set out in the conditions of the PPP, which this ARC is addressing. Condition 3(i) requires “the first application for approval of matters specified under the terms of Condition 1(a) and 1(b) shall be submitted with the information set out in Condition 2 and the following information: (i) Details of a raised Puffin Crossing to replace the existing Zebra Crossing on Primrose Lane.”. The proposals include details of a proposed Puffin Crossing. However, these details are not considered to be acceptable at this point and require some amendments so it is recommended that this aspect is addressed by a condition.

2.5.4 The Addendum to Design and Access Statement submitted by the applicant, notes that the site layout shows a potential shared path link to the Broomhall site at the north west corner of the site; four path links on the western boundary to Whinnyburn Place; and a shared path link to the eastern boundary with Jutland Street. The proposals include three, rather than four, links with Whinnyburn Place, but after discussion and consideration with the case officer, Transportation Development Management and the applicant, this is acceptable and provides a sufficient number of links between the development site and Whinnyburn Place. The condition requiring the four path links on the western boundary was set out because the applicant had originally proposed four links within the PPP submission but, following discussion, concluded that the fourth link would not provide any benefit to the connectivity of the proposals and on this basis the inclusion of three links is acceptable. A shared path link would be provided to the adjacent Broomhall Strategic Development Area to the north west instead, which is welcomed and provides the opportunity to link to a future development site. The shared path link proposed to the eastern site boundary would result in a 2 metres gap in the network due to ownership issues. Whilst this is disappointing, it would become a well-used route by pedestrians and cyclists. Condition 3(k) & (i) would be complied with.

2.5.5 The proposed street layout includes restrictions to forward visibility by means of off-set squares and landscaping and raised junctions to encourage vehicle speeds of less than 20 miles per hour, which is welcomed. The proposed streets are a combination of housing streets with footways on one or both sides of the carriageway and shared surface streets.

2.5.6 The street layout serving the affordable housing has been improved throughout the planning process, through discussions with the applicant and a continuous footway has been provided on at least one side of the street. Parking spaces would be located at 90 degrees to prospectively adoptable streets and are in rows no greater than 6 in number, therefore, conditions 1(e), 2(a), 2(b), 3(j), 3(k) and 12 have been satisfactorily addressed.

2.5.7 Concerns have been raised regarding parking and that there is currently overspill parking in Whinnyburn, Carson and Webster Places. The proposed parking has been reviewed against the parking standards within Making Fife's Places Supplementary Guidance and by Transportation Development Management Officers and it is at an acceptable level. Current issues with parking cannot be addressed through this application but it is for the applicant to ensure that there is an acceptable level of parking proposed for their proposed development. House types C and F have garages with internal dimensions well below the minimum to count as an off-street parking space, so have not been included as part of any of the proposed parking provision. These plots contain alternative parking provision, which is acceptable. The market dwellings would all be provided with the required off-street parking and 26 visitor parking spaces would be required with 33 proposed, which is acceptable. The affordable housing units would be provided with 2 allocated parking spaces each to Plots A25 – A28. The remaining plots would be provided with communal parking spaces and the level of communal parking required is 56, with 58 being proposed, which is acceptable.

2.5.8 The proposals are therefore compliant with the relevant policies and guidelines of NPF4 and FIFEplan and the requirements set out within the PPP.

2.6 Flooding And Drainage

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

2.6.2 A concern has been raised that the ground levels are not clear and may impact on drainage. Concern has been raised as to whether the Flood Risk Assessment has been revised and the SEPA recommendations considered. Objection comments note concern that the waste management network has not been able to cope with heavy rain.

2.6.3 Condition 3 h) of the PPP requires the submission of a SUDS and Drainage Strategy for the whole site, which has been submitted.

2.6.4 SEPA has been consulted on this application. SEPA previously had no objections or recommended conditions for the PPP application and has again advised that they have no objections to this detailed application. In regards to flood risk, the Flood Risk Assessment submitted with this application has used a 39% climate change value, and SEPA are content with the design flows and modelled flood levels provided. The proposed development has been shown to be outwith the 200 year plus Climate Change flood extent. SEPA are happy with the 39% Climate Change uplift used by the applicant because it is a small catchment and as such the regional rainfall uplift should be used, as per the applicant's submission. It is also acknowledged by SEPA that Plot 78 has been moved outwith the area that contains an existing sewer running beneath it, which is welcomed.

2.6.5 Fife Council Flooding, Shoreline and Harbours (FSH) Team has been consulted on this application. They responded with a holding objection, to request further information on the flooding proposals and the surface water management proposals. In terms of the flooding issues, FSH requested that Appendices 3 and 4 from the Fife Council Flooding and Surface Water Management Plan Guidance were submitted, which has now been done so this point has been addressed. The last remaining flooding point was that the applicant has used the wrong climate change uplift (39% rather than 56%). It has been acknowledged by SEPA that the climate change value that was used is, in fact, correct in this instance because of the small

catchment. Both flooding points have therefore now been addressed. In regards to surface water management, FSH commented that the SUDS basins proposed were to be lower than the level of the adjacent flood plain water. The applicant has now submitted further drawings to show that the levels are not lower than that of the adjacent flood plain water so this point has been addressed. The last point was the requirement for the applicant to submit Appendices 1, 2, 5 and 8 from the Design Guidance. This has now been done so this point has also been addressed. All flooding and drainage points have therefore been addressed.

2.6.6 The proposals are therefore compliant with the relevant policies and guidelines of NPF4 and FIFEplan and the requirements set out within the PPP.

2.7 Contaminated Land And Air Quality

2.7.1 NPF4 (2023), Policies 1 and 10 of FIFEplan Local Plan (2017) PAN 33: Development of Contaminated Land (2000) and PAN 51: Planning, Environmental Protection and Regulation (2006) apply. A site investigation report has been submitted with this application in regard to land contamination on the site. Fife Council's Land and Air Quality Officers have reviewed the report and conclude that, given the conditions encountered on the site, specific risk mitigation measures would not be deemed necessary on this site.

2.7.2 Condition 3 a) requires the submission of a Phase 1 Desk Study report for ground contamination, which has been submitted.

2.7.3 Fife Council Land and Air Quality Officers have reviewed the information submitted and have advised that condition 3(a) should be retained because there are some queries remaining in regards to the proposed remedial measures. A condition requiring the submission of an amended Desk Study report is therefore recommended.

2.7.4 Subject to conditions, the proposals, subject to conditions, would comply with NPF4 policies 5 and 23 and policies 1 and 10 of FIFEplan Local Plan (2017) and guidance in relation to contaminated land.

2.8 Natural Heritage And Trees

2.8.1 NPF4 (2023) Policies 3, 4, 6 and 20, FIFEplan (2017) Policy 13 and Making Fife's Places Supplementary Guidance apply in regards to natural heritage and trees.

2.8.2 Condition 2 d) requires the submission of a landscaping scheme. Condition 3 m) of the PPP requires an ecology report including appropriate mitigation measures for loss of habitat shall be produced by a qualified ecologist. Condition 5 d) of the PPP requires a Statement of conformity with the recommendations of the Extended Phase 1 Survey Report (Wildlife Partnership, March 2018); Condition 5 e) requires details of biodiversity enhancement features, including but not limited to swift boxes integrated into suitable buildings, in accord with the requirements of Making Fife's Places Supplementary Guidance or any revision of this document.

2.8.3 Objection comments have queried whether a biodiversity assessment and surveys for protected species have taken place and raise concerns that the proposals would result in the loss of wildlife. An Ecology report including the mitigation measures for habitat has been submitted, and provides the site ecological baseline information and recommendations. A bird species protection plan has been provided and a Biodiversity Enhancement Plan sets out where swift boxes and hedgehog gaps in fencing would be provided on the site. The Natural Heritage Officer has no objections to the proposals in regards to biodiversity and ecology.

2.8.4 Objection comments note concern that the proposed development would involve felling trees but there is no indication on what the replacements are proposed to be and it is important that the replacement tree planting is suitable. Detailed landscaping plans have been submitted with the application, including proposed tree planting. A tree report has been submitted, which sets out the need for a number of tree removals including 4 Category A and 1 Category B tree with a diameter at breast height of 40cm or less, and heights of 9m or less. This indicates that none of the trees requiring removal are of advanced age, and can therefore be replaced through compensatory planting with no significant loss to local ecology. Details have been provided listing which trees will be retained, where root protection areas lie, and where protective fencing will protect these rooting areas. No trees have more than approximately 25% of their root protection zones left unprotected by fencing, which is an acceptable level. The landscaping plans appropriately address compensatory planting, and list choices of mixed species native and non-native conifers and broadleaves, including some ornamental trees. Some of these are fruiting and flowering, which is a positive for pollinator species. These plans do not demonstrate a net biodiversity loss in reference to arboreal life. Fife Council's Tree Officer has no objections to the proposals in regards to trees.

2.8.5 The proposals comply with the relevant policies and guidance in relation to trees and biodiversity and the required information has been submitted to comply with the PPP in this regard.

2.9 Sustainability

2.9.1 NPF4 (2023) Policies 1 and 2 and FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Supplementary Guidance apply, in relation to low carbon and sustainability.

2.9.2 Condition 5 f) of the PPP requires a statement of conformity with the sustainable building materials and construction practice requirements of FIFEplan Policy 11: Low Carbon Fife and Making Fife's Places Supplementary Guidance and Condition 3 b) requires the submission of an Energy Statement of Intention and a sustainable development checklist, in line with the terms of FIFEplan (2017) Policy 11 and Fife Council's Supplementary Planning Guidance Low Carbon Fife (2019), or equivalent.

2.9.3 An Energy Statement and Sustainability Statement has been provided by the applicant, which sets out that materials and labour used in the construction of the new homes will be from a local and/or sustainable source wherever possible and the new homes will achieve the high levels of insulation required by latest Building Standards. The site lends itself to a layout which favours either an east / west house orientation, or a north/south orientation. This optimises the use of roof mounted solar PV. Attractive walkable routes will reduce the number of short trips made by car. A variety of pedestrian and cycle access points and routes through and from the site will help minimise car dependency and reduce emissions. The site is within a 10-minute walk to Rosyth Railway Station. The site has excellent access to local shops and amenities, all again within a 10-minute walk. The site is a 15-minute walk or 5-minute cycle from the nearest primary school and all proposed dwellings would have EV charging infrastructure. The efficient standards required to meet current Building Standards will reduce the amount of energy used and improve the efficiency to reduce whole-life energy consumption. The applicant confirms the use of PV panels as a renewable energy source for the proposals. The proposals meet the current carbon dioxide emissions reduction target (as set out by the 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. The applicant has set out within a Sustainability Statement that all WCs within the properties will be dual flush and wash hand basins will have restricted flow, and external rainwater harvesting butts will be considered. An Air Quality Impact Assessment has been submitted with the application. The assessment concludes

that the predicted contribution from the proposed development to the annual mean PM10 and PM2.5 is of negligible significance at all sensitive receptors considered within the study area in terms of the IAQM/EPUK assessment framework.

2.9.4 The proposals comply with NPF4 (2023) Policies 1 and 2, FIFEplan (2017) Policy 11, Fife Council's Low Carbon Supplementary Guidance and the requirements of the PPP in relation to low carbon and sustainability.

2.10 Affordable Housing

2.10.1 NPF 4 Policy 16 and FIFEplan Policy 2 and Fife Council's Affordable Housing Supplementary Guidance apply in regard to affordable housing.

2.10.2 Condition 1 of the PPP requires further applications for the construction of market residential units and the affordable residential units, at 25% of the total number of units.

2.10.3 The proposals include 25% affordable housing within the site layout (36 units). The housing is proposed as a mix of 2, 3, 4 and 5 bed terraced houses, 2 bed cottage and amenity flats and 2 bed amenity and wheelchair bungalows. The applicant has advised that they have liaised with Fife Council Housing Service with regards to the housing mix and as the potential Registered Social Landlord for the Affordable Housing. Fife Council Housing Services have reviewed the application proposals and advised that the affordable housing on this development should be provided as social rented housing and that the unit sizes and types listed above have been agreed with Fife Council.

2.10.4 The proposals comply with NPF 4 Policy 16 and FIFEplan Policy 2 and Fife Council's Affordable Housing Supplementary Guidance and the PPP in regard to affordable housing.

2.11 Education

2.11.1 NPF4 (2023) Policy 18, FIFEplan (2017) Policy 4 and the Fife Council Planning Obligations Framework Supplementary Guidance apply regarding education.

2.11.2 Objection comments note concern regarding whether provision has been made to build a new school to cope with the demand of new homes. In this regard, the impact on schools has already been assessed through the PPP application. Education Services were consulted on the PPP and an existing legal agreement therefore already provides for required planning obligations resulting from the impacts of the development.

2.11.3 The proposals comply with NPF4 (2023) Policy 18, FIFEplan (2017) Policy 4 and the Fife Council Planning Obligations Framework Supplementary Guidance regarding education.

2.12 Open Space and Play Areas

2.12.1 NPF4 (2023) Policy 20 and 21, FIFEplan (2017) Policy 3 and Making Fife's Places Supplementary Guidance (2018) apply.

2.12.2 Condition 3 f) of the PPP requires the submission of a landscape and Open Space Strategy for the whole site; Condition 3 g) requires a Play Provision and Outdoor Access Strategy for the whole site.

2.12.3 Objection comments have noted concern that the proposed open space is far away from majority of the proposed houses and not overlooked and that the existing surrounding areas will not be able to use to the facilities built on the site because there will be a fence preventing this. It is acknowledged that the open space provision is not central to the application site. However,

given the ground levels, the site lends itself to having the SUDS to the north of the site, and no housing development within the flood plain and gas main to the north/north east. This means there is limited scope to provide the open space elsewhere, whilst accommodating housing on the site. However, it is considered that there is an appropriate scale of open space provided on the site and the site layout has been amended throughout the process of the application review to ensure that the areas of open space are overlooked by houses. There are two play parks proposed within the site. One play park is proposed to the south east of the site which can be directly accessed from the east, beyond the site boundary and another play park is proposed to the north west of the site, which can be accessed via new footpaths to the west. There is also future provision for access from the Broomhall SDA to the open space and play facilities from the north. There are further areas of open space located to the north which can be accessed from new footpaths to the west side of the site and a further area of open space is located to the south west of the site, where a SUDS pond is also proposed. Whilst the SUDS will not be useable space, the area in front of it would be.

2.12.4 The proposals comply with NPF4 (2023) Policy 20 and 21, FIFEplan (2017) Policy 3 and Making Fife’s Places Supplementary Guidance (2018) in regards to open space and play, subject to conditions.

2.13 Public Art

2.13.1 NPF4 (2023) Policy 31, FIFEplan (2017) Policy 4 and Making Fife’s Places Supplementary Guidance (2018) (Appendix F) apply.

2.13.2 Condition 3 e) of the PPP requires the submission of a Public Art Strategy for the site.

2.13.3 A public art strategy has been set out within the Design and Access Statement submitted by the applicant, however the details provided are very limited. The applicant states that two locations are identified at the site entrances to accommodate public art, these could take the form of entrance walls or pillars, railings or individual features such as a stone cairn with an inset development name/date stone. Details have been provided of the proposed stone cairn. This is not sufficient to discharge Condition 3 (e) as Making Fife’s Places requires further information within a Public Art Strategy, including budget (it is expected that £300 per market unit is assigned to public art), community engagement, artist details, the timescales for delivery, maintenance details and details of how the proposed art will relate to the development/area.

2.13.4 Subject to a condition, the proposals could comply with NPF4 (2023) Policy 31, FIFEplan (2017) Policy 4 and Making Fife’s Places Supplementary Guidance (2018) (Appendix F) in relation to public art.

CONSULTATION SUMMARY

| | |
|---|----------------|
| Scottish Water | No objections. |
| NatureScot | No objections. |
| Natural Heritage, Planning Services | No objections. |
| Trees, Planning Services | No objections. |
| Urban Design, Planning Services | No objections. |
| Land And Air Quality, Protective Services | No objections. |
| Education (Directorate) | No objections. |
| Housing And Neighbourhood Services | No objections. |

| | |
|---|--|
| Environmental Health (Public Protection) | No objections. |
| TDM, Planning Services | No objections. |
| Transportation And Environmental Services - Operations Team | No response. |
| Parks Development And Countryside | No response. |
| Natural Heritage, Planning Services | No objections, subject to conditions. |
| Structural Services - Flooding, Shoreline And Harbours | Holding objection requesting further information, which has been provided. |

REPRESENTATIONS SUMMARY

10 representations have been received, all of which are objection comments.

Material Planning Considerations

Objection Comments:

| Issue | Addressed in Paragraph |
|---|------------------------|
| a. Lack of buffer to Whinnyburn Place | 2.3.5 |
| b. Increase in traffic – will be gridlocked at Primrose Lane | 2.5.3 |
| c. Objection to the number of houses | 2.3.4 |
| d. Overshadowing to neighbouring properties (39 Jutland Street) | 2.4.5 |
| e. Replacing zebra crossing with puffin crossing will not reduce risk of accidents | 2.5.3 |
| f. Proposed development is too dense | 2.3.4 |
| g. Open space is far away from majority of the proposed houses and not overlooked | 2.12.3 |
| i. Noise from the bakery extension | 2.4.6 |
| j. Increase in vans between 2.30am - 4.30am | 2.4.6 |
| k. Noise pollution from construction work. | 2.4.6-2.4.7 |
| l. Surrounding areas will not be able to use to the facilities built on the site as there will be a fence preventing this | 2.12.3 |
| m. Overlooking - unclear regarding raised ground levels which might impact on overlooking and drainage | 2.4.3 |
| n. There is currently overspill parking in Whinnyburn Place, Carson Place and Webster Place due to the first phase proposed | 2.5.7 |
| o. Concern as to whether the has the Flood Risk Assessment has been revised and the SEPA recommendations taken into account | 2.6.3 |
| p. has provision been made to build a new school or provide more resources to local schools to cope with the demand | 2.11.2 |
| q. waste management network has not been able to cope with heavy rain. how will the network cope with waste from the new development | 2.6.3 |
| s. proposed development is felling trees but planting replacements. what are the replacements proposed to be. it is important that the replacement tree planting is suitable. | 2.8.4 |

| | |
|---|-------|
| t. Has a biodiversity assessment and surveys for protected species taken place | 2.8.3 |
| u. Will neighbours' fences be affected by building work, how is the developer planning on treating the area between existing fences and development | 2.3.6 |
| w. loss of wildlife | 2.8.3 |

Other Concerns Expressed

| Issue | Comment |
|--|--|
| a. Anti-social behaviour at the proposed park | Anti-social behaviour is not something that can be controlled through Planning Legislation. The proposed parks would be overlooked so as to ensure that they are as safe and attractive as possible. |
| b. The field was supposed to have been gifted to the estate at Whinnyburn Place 40 years ago. | This is a separate issue which does not relate to this application. |
| c. Abandoned sites in the area at Primrose Hill and Hilton Gardens left the natural environment damaged and public routes blocked. | This is a separate issue which does not relate to this application. |
| d. Concern regarding lack of maintenance on the roads to and from the primrose area have been raised and that the council will not be able to cope with maintenance in terms of resources with new housing constructed in this location. | This is a separate issue which does not relate to this application. It is not for the developer of this site to address maintenance issues that already may exist in the area. |
| e. Concern has been raised that the proposals would result in the loss of green space. | The proposals have already been assessed and accepted in principle through the PPP. |
| f. GP surgeries at capacity | The proposals have already been assessed and accepted in principle through the PPP and there is no requirement for the development to provide GP surgery capacity or other amenities. |
| g. lack of amenities in the area | |

CONCLUSIONS

The application is in accordance with the requirements of the Planning Permission in Principle (PPP) that preceded it, and in particular with the masterplan, phasing plan and Development Brief that have been approved earlier and subsequently amended through this application. The general layout of the site is acceptable and the grid pattern helps avoid the use of cul-de-sacs and provides a well connected and permeable site. The development would not adversely affect existing or future residential amenity and would comply with all technical matters of the PPP and other material considerations including drainage, transportation, affordable housing, education

and site stability matters. The development is therefore acceptable in all regards and would comply with the Development Plan and conditions set out within the PPP.

RECOMMENDATION

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

CONDITIONS:

1. The raised puffin crossing to replace the existing zebra crossing on Primrose Lane, as shown on document 52, shall be implemented and open for public use, PRIOR TO THE OCCUPATION OF THE 25th UNIT WITHIN THE SITE.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and crossing at the appropriate stage of the development.

3. Prior to occupation of any house with allocated off-street car parking, the off-street car parking for that plot shall be provided as shown on document 02A. 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.

4. Prior to occupation of any affordable house with communal car parking, the off-street car parking for those houses shall be provided as shown on document 02A. The parking spaces shall be retained through the lifetime of the development and shall be for communal use only.

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

5. The visitor car parking spaces as shown on document 02A 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.

6. 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.fife.gov.uk/contaminatedland

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

7. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 6. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

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

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

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

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

9. BEFORE THE OCCUPATION OF THE FIRST UNIT all works which form part of the sound attenuation scheme as specified in the Noise Report dated 24th May 2022 produced by Airshed:-

- i) shall be completed; and
- ii) written evidence to demonstrate that the specified, target noise levels have been achieved shall be submitted to and approved in writing by the local planning authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for the written approval of the local planning authority incorporating further measures to achieve those noise levels.

All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use

Reason: In the interest of residential amenity; to ensure that the noise attenuation barrier is implemented to satisfactory standard.

10. BEFORE ANY WORKS COMMENCE ON SITE , full details of the public art for the site shall be submitted for the written approval of Fife Council as planning authority in accordance with the requirements set out within Making Fife's Places Supplementary Guidance (2018). These details shall include a timescale for the implementation of the public art. The development shall be implemented in accordance with the details approved through this condition.

Reason: To ensure delivery of the public art.

11. The landscaping scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner. The landscaping scheme shall be amended and submitted for prior approval to show additional tree planting to the south of the acoustic fence adjacent to the proposed public art feature to further screen the fence from public view.

Reason: In the interests of visual amenity; to ensure that the landscaping is implemented at an appropriate time.

12. All planting carried out on site shall be maintained by the developer 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 annually.

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

13. BEFORE ANY EXTERNAL FINISHES ARE APPLIED TO THE DWELLINGHOUSES HEREBY APPROVED, details of these finishes and enhanced gable features to the gables of plots which are public facing shall be submitted for the prior written approval of Fife Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure that there are enhanced gable features where required.

14. BEFORE ANY WORKS COMMENCE ON SITE, the developer shall submit details and specifications of the protective measures necessary to safeguard the trees on the site during development operations as required by the terms of Condition 2(l). This Planning Authority shall be formally notified in writing of the completion of such measures and no development on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In the interests of safeguarding the trees to be protected on and adjacent to the site.

15. PRIOR TO OCCUPATION OF THE FIRST UNIT, the approved SUDs 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.

16. BEFORE ANY WORKS COMMENCE ON SITE; full details of the proposed energy efficiency measures along with manufacturer's details shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the development shall be carried out in the accordance with the approved plans.

Reason: In the interests of sustainability; to ensure the development meets the current CO2 emissions reduction targets as set out within the application proposals.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance
PAN 1/2011 Planning and Noise
PAN 33 Development of Contaminated Land

Development Plan
National Planning Framework 4 (2023)
Adopted FIFEplan (2017)
Fife Council's Supplementary Guidance on Affordable Housing (2019)
Making Fife's Places Planning Supplementary Guidance (2018)
Fife Council's Low Carbon Fife Supplementary Guidance (January 2019)

Other Guidance
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)
Fife Council's Planning Customer Guidelines on Garden Ground (2016)

Fife Council's Minimum Distance between Windows Guidance (2011)
Fife Council's draft Planning Obligations Framework Guidance (2017)
Fife Council's Planning Policy for Development and Noise (2021)
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)

Report prepared by Natasha Cockburn, Lead Professional and Case Officer
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

APPENDIX A RELEVANT POLICY AND GUIDANCE SUMMARIES

Supplementary Guidance
Supplementary Guidance: Affordable Housing (2018)

Supplementary Guidance
Supplementary Guidance: Low Carbon Fife (2019)
Low Carbon Fife Supplementary Planning Guidance provides guidance on:
assessing low carbon energy applications
demonstrating compliance with CO2 emissions reduction targets and district heating requirements;
requirements for air quality assessments.

Supplementary Guidance
Supplementary Guidance: Making Fife's Places (2018)
Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

FIFEPlan (2017)
Policy 1: Development Principles
Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts.

FIFEPlan (2017)
Policy 2: Homes
Outcomes: An increase in the availability of homes of a good quality to meet local needs. The provision of a generous supply of land for each housing market area to provide development opportunities and achieve housing supply targets across all tenures. Maintaining a continuous five year supply of effective housing land at all times.

FIFEPlan (2017)
Policy 3: Infrastructure and Services
Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that communities function sustainably without creating an unreasonable impact on the public purse or existing services.

FIFEPlan (2017)
Policy 10: Amenity
Outcome: Places in which people feel their environment offers them a good quality of life.

FIFEPlan (2017)
Policy 11: Low Carbon Fife
Outcome: Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits.

FIFEPlan (2017)
Policy 12: Flooding and the Water Environment

Outcome: Flood risk and surface drainage is managed to avoid or reduce the potential for surface water flooding. The functional floodplain is safeguarded. The quality of the water environment is improved.

FIFEPlan (2017)

Policy 13: Natural Environment and Access

Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors.

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

National Planning Framework 4 (2023)

Policy 2: Climate mitigation and adaptation

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

National Planning Framework 4 (2023)

Policy 3: Biodiversity

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

National Planning Framework 4 (2023)

Policy 4: Natural places

To protect, restore and enhance natural assets making best use of nature-based solutions.

National Planning Framework 4 (2023)

Policy 5: Soils

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

National Planning Framework 4 (2023)

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

National Planning Framework 4 (2023)

Policy 11: Energy

To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).

National Planning Framework 4 (2023)

Policy 12: Zero Waste

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

National Planning Framework 4 (2023)

Policy 13: Sustainable transport

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

National Planning Framework 4 (2023)

Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

National Planning Framework 4 (2023)

Policy 15: Local Living and 20 minute neighbourhoods

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.

National Planning Framework 4 (2023)

Policy 16: Quality Homes

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

National Planning Framework 4 (2023)

Policy 18: Infrastructure first

To encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

National Planning Framework 4 (2023)

Policy 19: Heat and cooling

To encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures.

National Planning Framework 4 (2023)

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

National Planning Framework 4 (2023)

Policy 21: Play, recreation and sport

To encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

National Planning Framework 4 (2023)

Policy 22: Flood risk and water management

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

National Planning Framework 4 (2023)

Policy 23: Health and safety

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.

Planning Customer Guidance
Daylight and Sunlight

Planning Customer Guidance
Garden Ground

Planning Customer Guidance
Minimum Distances between Window Openings

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

Policy for Development and Noise looks at both noisy and noise sensitive land. Noise sensitive developments may need to incorporate mitigation measures through design, layout, construction or physical noise barriers to achieve acceptable acoustic conditions.

8 November 2023

Agenda Item No. 5

Application for Full Planning Permission

Ref: 23/02507/FULL

Site Address: 1 Main Street Low Valleyfield Dunfermline

Proposal: Erection of two storey extensions to rear and side of dwellinghouse

Applicant: Miss Sally-Anne Featherstone, Westend Cottage 1 Main Street

Date Registered: 6 October 2023

Case Officer: Emma Baxter

Wards Affected: W5R01: West Fife And Coastal Villages

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and It is expedient for both applications to be considered by Committee.

Summary Recommendation

The application is recommended for: Refusal and Enforcement Action

1.0 Background

1.1 The Site

1.1.1. This application pertains to a two-storey detached dwellinghouse located within the Low Valleyfield settlement boundary. The property, known as 'Westend Cottage,' is a category B listed building. The property is believed to have originated in the 1750s, however underwent significant works in the 1980s to the roof, as well as two single storey extensions to the north and west. The surrounding area is characterized largely by residential properties, with Main Street running along the south of the site and Low Causeway running along the north of the site.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1. This application seeks planning permission for various works, including two two-storey extensions, one to the rear (north) and one to the side (west) of the dwellinghouse and partial demolition of boundary walls (part retrospective).

1.2.2. An application seeking listed building consent for 2 two-storey extensions, installation of replacement roof, installation of replacement windows, formation of new openings, internal alterations and partial demolition of boundary walls (23/02269/LBC) has also been submitted.

1.3 Relevant Planning History

23/00911/LBC - Listed Building Consent for works including replacement joists, plasterwork and render - Permitted with Conditions - 06/07/23. The full scope of the works consented under this application includes:

- Removal of the two existing Victorian extensions to the rear and west side of the property.
- Removal of the existing harling and re-render
- Removal of interior stud walls
- Removal of interior tongue and groove ceiling
- Removal of tongue and groove wood panelling and lathe and plaster on interior walls
- Removal of floor and ceiling joists

23/02269/LBC - Listed building consent for two storey extensions to rear and side of dwellinghouse, installation of replacement roof and windows, formation of new openings and internal alterations (part retrospective) - also before this Committee for determination.

1.4 Application Procedures

1.4.1. 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 Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

1.4.2. A site visit was conducted on 06/09/2023. Further information has been collated digitally to allow the full consideration and assessment of the application. The following additional evidence was used to inform the assessment of this proposal:

- - Google imagery (including Google Street View and Google satellite imagery);
- - GIS mapping software; and
- - Site photos provided by the applicant

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 2: Climate mitigation and adaptation

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy 1: Tackling the climate and nature crises

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy 7: Historic assets and places

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy 13: Sustainable transport

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 16: Quality Homes

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

Policy 22: Flood risk and water management

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Adopted FIFEplan (2017)

Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts.

Policy 10: Amenity

Outcome: Places in which people feel their environment offers them a good quality of life.

Policy 11: Low Carbon Fife

Outcome: Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits.

Policy 12: Flooding and the Water Environment

Outcome: Flood risk and surface drainage is managed to avoid or reduce the potential for surface water flooding. The functional floodplain is safeguarded. The quality of the water environment is improved.

Policy 14: Built and Historic Environment

Outcomes: Better quality places across Fife from new, good quality development and in which environmental assets are maintained, and Fife's built and cultural heritage contributes to the environment enjoyed by residents and visitors.

National Guidance and Legislation

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

Historic Environment for Scotland's Managing Change in the Historic Environment – Windows (2018)

Supplementary Guidance

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

- assessing low carbon energy applications
- demonstrating compliance with CO2 emissions reduction targets and district heating requirements;
- requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

Planning Customer Guidelines

Daylight and Sunlight

Garden Ground

Home Extensions

Minimum Distances between Window Openings

Windows in Listed Buildings and Conservation Areas

2.0 Assessment

2.1 Relevant Matters

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

- Design and Layout/Visual Impact on the Listed Building
- Residential Amenity
- Transportation/Road Safety
- Sustainability

- Flooding and Drainage

2.2 Design And Layout / Visual Impact on the Listed Building

2.2.1. NPF4 Policy 7, FIFEplan Policies 1, 10 and 14, Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018), Historic Environment for Scotland's Managing Change in the Historic Environment – Windows (2018) and Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 apply in regard to design and visual impact on the listed building.

2.2.2. Planning permission is sought for the erection of two extensions. The first would be located to the rear of the property along the northern elevation. This extension would be two storeys and approximately 7.4 metres in height, with a footprint of 64 m² (125m² across both storeys). The second extension would be to the west of the building, positioned where the previous flat roof extension was situated (albeit with a slightly larger footprint). This extension would also be two storeys in height (7.2 metres) with a footprint of 17m² (34m² across both storeys). Both extensions would be finished in a limewash render to match the original building as approved under 23/00911/LBC, in addition to Scotch slate roofs.

2.2.3 As highlighted earlier in this report, the property has undergone substantial changes in the 20th century, resulting in the loss of a considerable portion of its original fabric and as such the desire to refurbish the B-listed property and see it brought back into use is welcomed. Notwithstanding this however, it is considered that the proposed development as submitted by the applicant would not be acceptable. Primarily, it is considered that the proposed extension to the rear, with a footprint only 5 square metres less than that of the original Westend Cottage (and 0.9 metre lower in height), would be far too large in scale. Furthermore, whilst the larger extension is proposed to the rear, given that the site is situated on a triangular corner plot between two roads, the western elevation of this extension would nevertheless be extremely visible along Main Street when entering from Culross to the west. As such, it is considered that the proposed extension would not be subservient and thereby would fail to preserve the historic character of the building. Moreover, in terms of the proposed western extension, whilst it is acknowledged this would occupy a similar footprint to that of the previous Victorian side extension, given that this extension would be approximately 4.2 metres taller than the original, it would be far more visible, not only from the west but also from the south where it would be considered to detract from the principal elevation. As such, the proposed western extension would also be too large in scale and mass and therefore not subservient. Overall, it is considered that the two proposed two storey extensions to Westend Cottage would fail to preserve and enhance the character and historic interest of the B-listed building and are therefore not supported.

2.2.4. As highlighted within paragraph 1.2.2. of this report, retrospective planning permission is also sought for the removal of Westend Cottage's roof structure and its re-instatement. This roof was finished in terracotta clay tiles and is not believed to be the properties original roof, rather it is understood to have been installed around the 1980s. It is proposed to re-use the existing roof tiles, with the addition of a slate eaves course as well as to finish both of the extensions in Scotch slate. This would result in a 0.5 metre increase in the height of the property. The proposed reinstatement of the previous roof, with the addition of a slate eaves course, would not be considered to result in any additional harm to the character or fabric of the building.

2.2.5. The final element of the proposed development for consideration is the retrospective demolition of part of the southern and northern boundary walls and their rebuilding. An approximate 3.5 metre gap was formed in the northern boundary wall of the site to allow for better access during the construction phase. It is advised that the removed stone has been retained and would be used for reinstatement once the works are complete. Moreover, the southern boundary wall has been partially demolished, and the existing access gate removed, again to allow for better access during the construction phase, which are also proposed to be reinstated. No further details however have been provided as to how these works are proposed

to be carried out. Due to the lack of information regarding these elements, it is considered that insufficient information has been provided to demonstrate these proposed works would not harm the historic character and setting of B-listed building.

2.2.6. Overall, it is considered that the proposed development would fail to preserve or enhance the character of the Listed Building and is therefore considered to not comply with the Adopted FIFEplan (2017) and NPF4 in this regard.

2.3 Residential Amenity

2.3.1. NPF4 Policy 16, FIFEplan Policies 1 and 10, Fife Council Customer Planning Guidelines on Sunlight and Daylight, Minimum Distance Between Window Openings and Garden Ground apply in regard to residential amenity.

2.3.2. Given the orientation of the development site in relation to the surrounding curtilages, it is considered that there would be no significant impact upon the sunlight and daylight levels received by neighbouring properties. In addition, the proposed development would not introduce any new window openings which would raise any concern with regard to privacy levels of the neighbouring properties.

2.3.3. Fife Council Planning Customer Guidelines on Garden Ground recommends that residential developments have a useable garden space of at least 100m² per dwellinghouse. Moreover Fife Council's Garden Ground guidance (2016) states that any extensions should not take up more than 25% of your original, private garden. The proposed development would occupy approximately 11% of the rear garden ground of Westend cottage as well as retaining well over 400 m² of useable garden ground. The proposal would therefore be considered acceptable in this regard.

2.3.4. In light of the above, the proposal is considered acceptable in this respect in terms of residential amenity. However this is not the determining issue in this instance.

2.4. Transportation/Road Safety

2.4.1. NPF4 Policy 13, FIFEplan Policies 1 and 3 and Making Fife's Places Transportation Development Guidelines apply in regard to road safety.

2.4.2. The existing vehicular access to the east of the dwellinghouse would continue to be utilised as part of the proposed development. The proposal would result in the property going from containing two bedrooms to three, and therefore would not require any additional parking provision as per Fife Council's Making Fifes Places Appendix G.

2.4.3. In light of the above, the proposal would have no significant impact on the existing levels of road safety and as such would be deemed to comply with the Adopted FIFEplan 2017, NPF4 and Fife Council Transportation Development Guidelines. However, this is not the determining issue in this instance.

2.5. Sustainability

2.5.1. Policies 1 and 2 of NPF4 and Policies 1 and 11 apply in regard to sustainability.

2.5.2. This application proposal includes the installation of an air source heat pump located on the north elevation of the proposed rear extension and therefore is considered broadly in keeping with the relevant policies of NPF4 and FIFEPlan. However, this is not the determining issue in this instance.

2.6. Flooding And Drainage

2.6.1. NPF4 Policy 22 and FIFEplan Policies 1 and 12 apply in regard to flooding and drainage.

2.6.2. The site is not currently situated within a flood risk area however according to SEPA flood maps, the site is at future risk of coastal flooding. As per Policy 22 of NPF4 however, as the proposal would be for the redevelopment of an existing building/site for the same use, it is considered that the proposed development would be acceptable in this regard.

2.6.3. No information was included within the application submission in relation to surface water management. Typically, due to the scale of works proposed, a surface water management plan would be requested. However, due to the unacceptability of the proposal with regard to its visual impact on a listed building (as discussed in Section 2.2. above), it is not considered appropriate to request this further information from the applicant. Scottish Water were also consulted on this application and raised no concerns with the proposal.

2.6.4. In light of the above, the proposal could have no significant impact on the existing levels of flood risk and provide for acceptable drainage infrastructure, but further information would be required to demonstrate compliance with the Adopted FIFEplan 2017 and NPF4. However, this is not the determining issue in this instance.

3.0 Consultation Summary

Scottish Water

No objections

4.0 Representation Summary

None

5.0 Conclusions

The proposal is considered to be unacceptable in meeting the terms of the National Guidance, the Development Plan and relevant guidelines relating to Listed Buildings. The proposal does not respect the character and appearance of the Category B Listed Building and would cause harm to the fabric of the Listed Building. As such, the proposal would not comply with Policy 7 of the National Planning Framework 4 (2023) or Policies 1,10 and 14 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Historic Environment Scotland guidance. The application is therefore recommended for refusal.

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of preserving the character and historical integrity of this Category B Listed Building; the proposed alterations would dominate the existing building by virtue of their size, height and visual prominence, thereby failing to preserve and enhance the character and

historic interest of the Listed Building. As such the proposals are contrary to Policy 7 of National Planning Framework 4 (2023).and Policies 1, 10 and 14 of the Adopted FIFEplan (2017).

and

That the appropriate enforcement action be taken with respect to the unauthorised works, as provided for by the powers delegated to officers.

7.0 Background Papers

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

National Guidance:

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

The Historic Environment Scotland Policy Statement (2019)

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

Development Plan:

Adopted FIFEplan (2017)

National Planning Framework 4 (2023)

Other Guidance:

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

Minimum Distance Between Window Openings (2016)

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

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

Report prepared by Emma Baxter, Graduate Planner and Case Officer

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

8 November 2023

Agenda Item No. 6

Application for Listed Building Consent

Ref: 23/02269/LBC

Site Address: 1 Main Street Low Valleyfield Dunfermline

Proposal: Listed building consent for two storey extensions to rear and side of dwellinghouse, installation of replacement roof and windows and formation of new openings (part retrospective)

Applicant: Miss Sally-Anne Featherstone, 1 Main Street Low Valleyfield

Date Registered: 17 August 2023

Case Officer: Emma Baxter

Wards Affected: W5R01: West Fife And Coastal Villages

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and It is expedient for both applications to be considered by Committee.

Summary Recommendation

The application is recommended for: Refusal and Enforcement Action

1.0 Background

1.1 The Site

1.1.1. This application pertains to a two-storey detached dwellinghouse located within the Low Valleyfield settlement boundary. The property, known as 'Westend Cottage,' is a category B listed building. The property is believed to have originated in the 1750s, however underwent significant works in the 1980s to the roof, as well as two single storey extensions to the north and west. The surrounding area is characterized largely by residential properties, with Main Street running along the south of the site and Low Causeway running along the north of the site.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1. This application seeks listed building consent for various works, including two two-storey extensions, one to the rear (north) and one to the side (west) of the dwellinghouse, installation of replacement roof, installation of replacement windows, formation of new openings, internal alterations and partial demolition of boundary walls (part retrospective).

1.2.2. Some works have already taken place to the property without listed building consent and therefore require retrospective listed building consent, these include;

- Removal of the existing roof
- Removal of the existing timber sash and case windows
- Partial demolition of the southern boundary wall including removal of gate
- Partial demolition of the north boundary wall

1.2.3. An application seeking planning permission for the erection of two storey extensions to rear and side of dwellinghouse and partial demolition of boundary walls (23/02507/FULL) has also been submitted.

1.3 Relevant Planning History

23/00911/LBC - Listed Building Consent for works including replacement joists, plasterwork and render – Permitted with Conditions - 06/07/23. The full scope of the works consented under this application includes:

- Removal of the two existing Victorian extension to the rear and west side of the property.
- Removal of the existing harling and re-render
- Removal of interior stud walls

- Removal of interior tongue and groove ceiling
- Removal of carpets and any 20th century flooring
- Removal of tongue and groove wood panelling and lathe and plaster on interior walls
- Removal of floor and ceiling joists

23/02507/FULL - Erection of two storey extensions to rear and side of dwellinghouse, installation of replacement roof and windows and formation of new openings – also before this Committee for determination.

1.4 Application Procedures

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

1.4.2. A site visit was conducted on 06/09/2023. Further information has been collated digitally to allow the full consideration and assessment of the application. The following additional evidence was used to inform the assessment of this proposal:

- - Google imagery (including Google Street View and Google satellite imagery);
- - GIS mapping software; and
- - Site photos provided by the applicant

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 7: Historic assets and places

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Adopted FIFEplan (2017)

Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts.

Policy 10: Amenity

Outcome: Places in which people feel their environment offers them a good quality of life.

Policy 14: Built and Historic Environment

Outcomes: Better quality places across Fife from new, good quality development and in which environmental assets are maintain, and Fife's built and cultural heritage contributes to the environment enjoyed by residents and visitors.

National Guidance and Legislation

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

Historic Environment for Scotland's Managing Change in the Historic Environment – Windows (2018)

Supplementary Guidance

Making Fife's Places (2018)

Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

Planning Customer Guidelines

Windows in Listed Buildings and Conservation Areas (2018)

2.0 Assessment

2.1 Relevant Matters

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

- Design and Layout/Visual Impact on the Listed Building

2.2 Design And Layout / Visual Impact on the Listed Building

2.2.1 NPF4 Policy 7, FIFEplan Policies 1, 10 and 14, Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018), Historic Environment for Scotland's Managing Change in the Historic Environment – Windows (2018) and Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 apply in regard to design and visual impact on the listed building.

2.2.2. One letter of objection from the Architectural Heritage Society of Scotland has been received. Whilst the AHSS welcomes the redevelopment of the property, concerns have been raised due to the lack of information regarding the repair works and the methods of construction proposed. Furthermore, AHSS raised significant concerns regarding the size of the proposed rear extension, commenting that it was too large and not in line with Historic Environment Scotland guidance. Moreover, AHSS objected to the relocation of the front door to the eastern side of the property and the design of the proposed windows within the extension.

2.2.3. Historic Environment Scotland was consulted on the application and advised that whilst the additional repairs and refurbishment of Westend Cottage is welcomed concerns were raised about the scale and form of extensions. It was advised that they were not opposed to the principle of two separate extensions to the property, the primary concern however was the scale and form of the proposed rear extension which was viewed as too large and would detract significantly from the visual prominence of the main house. In addition, Historic Environment Scotland sought for the side extension to have a flat or hipped roof in order to achieve a more subsidiary appearance. Moreover, Historic Environment Scotland commented in their response that whilst it's appreciated that the existing door on the south elevation does not appear to be original, the principle of a door on this street-facing elevation has always existed and therefore should be retained.

2.2.4 Fife Council's Built Heritage Officer was also consulted on this application and advised that whilst supportive in principle of a scheme to conserve the B listed property, he had significant concerns with regard to the scale of the extensions as proposed, concluding that the special architectural interest of the building derived from its scale and massing would be largely lost through the proposed significant increase in building volume. The Built Heritage Officer also advised that elements of the proposal including the proposed porch to the eastern side as well as the French doors to the north would be unsympathetic and incongruous, detracting from the architectural character of the B listed building. Moreover, the officer advised that the removal of the front doorway would not be supported.

2.2.5. As highlighted above, listed building consent is sought for the erection of two extensions. The first would be located to the rear of the property along the northern elevation. This extension would be two storeys and approximately 7.4 metres in height, with a footprint of 64 m² (125m² across both storeys). The second extension would be to the west of the site,

positioned where the previous flat roof extension was situated (albeit with a slightly larger footprint). This extension would also be two storeys in height (7.2 metres) with a footprint of 17m² (34m² across both storeys). Both extensions would be finished in a limewash render to match the original building as approved under 23/00911/LBC, in addition to Scotch slate roofs. As highlighted earlier in this report, the property has undergone substantial changes in the 20th century, resulting in the loss of a considerable portion of its original fabric and as such the desire to redevelop the B-listed property and see it brought back into use is welcomed. Notwithstanding this however, it is considered that the proposed development as submitted by the applicant would not be acceptable. Primarily, it is considered that the proposed extension to the rear, with a footprint only 5 square metres smaller than that of the original Westend Cottage (and 0.9 metre lower in height), would be far too large in scale. Furthermore, whilst the larger extension is proposed to the rear, given that the site is situated on a triangular corner plot between two roads, the western elevation of this extension would be extremely visible along Main Street when entering from Culross to the west. As such, it is considered that the proposed extension would not be subservient and thereby would fail to preserve the historic character of Westend Cottage. Moreover, in terms of the proposed western extension, whilst it is acknowledged that it would occupy a similar footprint than that of the previous Victorian side extension, given that this extension would be approximately 4.2 metres taller than the previous, it would therefore be far more visible not only from the west but also from the south where it would be considered to detract from the principal elevation. As such, the proposed western extension would also be considered too large in scale and mass and therefore not subservient. Overall, it is considered that the two proposed two storey extensions to Westend Cottage would fail to preserve and enhance the character and historic interest of the B-listed building and are therefore not supported.

2.2.6. Listed building consent is also sought for the installation of replacement windows. It is stated within the submitted supporting statement that the existing (non-original) windows suffered from wood rot and could not be re-used as they no longer fit the openings since the exterior cement render has been removed. These windows were removed without listed building consent and therefore their condition cannot be commented on, however from photographs provided it is understood the majority of them were two over two, timber sash and case windows. Two windows were four over four windows (one on the west elevation and one on the south). In regard to the proposed replacement windows, these would be two over two, vertically sliding timber sash and case throughout the original Westend Cottage and western extension (aside from a bathroom clerestory) However, within the northern rear extension it is proposed to install timber casement windows which would mimic the appearance of the sash and case windows proposed elsewhere. As highlighted in paragraph 2.2.5 above, the proposed rear extension would fail to preserve and enhance the character and historic interest of the B-listed building due to its scale and massing. It is considered that the proposed mock sash and case windows proposed would further compound the extensions unacceptability and emphasise its incongruous appearance.

2.2.7. As highlighted within paragraph 1.2.2. of this report, retrospective listed building consent is also sought for the removal of Westend Cottage's existing roof structure and its re-instatement. This roof was finished in terracotta clay tiles which were not believed to be the properties original roof, rather it is understood to have been installed around the 1980s. It is proposed to reinstate the existing roof tiles, with the addition of a slate eaves course as well as to finish both of the extensions in Scotch slate. This would result in a 0.5 metre increase in the height of the property. The proposed reinstatement of the previous roof, with the addition of a slate eaves course, would not result in any additional harm to the character or fabric of the building.

2.2.8. As part of this series of works, it is also proposed to remove the existing main door currently located on the principal elevation and replace this with a window with a raised lime render door frame to give a representational appearance that an entry was once present in this location. The primary entrance would be relocated to the eastern elevation of the proposed rear

extension. Whilst it is acknowledged that the current door on the southern elevation does not appear to be original, the retention of an entrance on the street-facing principal elevation of the building is considered to be an important historic feature. Furthermore, a doorway here would be considered important in identifying this structure as the main house in the context of the proposed extensions. In light of the above it is considered that these works would fail to conserve and enhance the historic character of Westend Cottage and are therefore not supported.

2.2.9. The final element of the proposed development for consideration is the retrospective demolition of part of the southern and northern boundary walls and their rebuilding. An approximate 3.5 metre gap was formed in the northern boundary wall of the site to allow for better access during the construction phase. It is advised that the removed stone has been retained and would be used for reinstatement once the works are complete. Moreover, the southern boundary wall has been partially demolished, and the existing access gate removed, again to allow for better access during the construction phase, which are also proposed to be reinstated. No further details however have been provided as to how these works are proposed to be carried out. Due to the lack of information regarding these elements, it is considered that insufficient information has been provided to demonstrate these proposed works would not harm the historic character and setting of the Category B listed building.

2.2.10. Given that the existing interior stud walls, tongue and groove ceiling, wall panelling, lathe and plaster and floor/ceiling joists have all been removed as per the consent granted under 2300911/LBC, there are no substantial internal features remaining. It is however proposed to create/extend a number of openings within Westend Cottage, including;

- Widening an existing door opening along the northern elevation at ground floor level by approximately 0.75 metres to form French doors.
- Create a new 1.6 metre door opening at first floor level on the north elevation to connect into the proposed extension
- Extend an existing window opening at first floor level on the west elevation to form a doorway

These works would result in the loss of elements of historic fabric and given the unacceptability of the proposed development as outlined above, it is not considered that the works are justified and would fail to preserve or enhance the character of the Listed Building.

2.2.11 Overall, it is considered that the proposed development would fail to preserve or enhance the character of the Listed Building and as such would not comply with NPF4 and the Adopted FIFEplan (2017) in this regard. There are no other material considerations which outweigh the resulting presumption against the development.

3.0 Consultation Summary

Historic Environment Scotland

Application not supported

Built Heritage, Planning Services

Application not supported

4.0 Representation Summary

4.1 One letter of representation has been received, which was an objection comment.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

| Issue | Addressed in Paragraph |
|--|------------------------|
| Proposed roof materials | 2.2.6. |
| Relocation of front door | 2.2.8. |
| Design of the proposed windows within the rear extension | 2.2.5. |

4.2.2 Other Concerns Expressed

| Issue | Comment |
|---|---|
| Lack of information regarding the repair works, primarily the proposed re-rendering | These works were approved under the previous application for this site (23/00911/LBC) and therefore do not form a material concern for this application |

5.0 Conclusions

The proposal is considered to be unacceptable in meeting the terms of the National Guidance, Development Plan and relevant guidelines relating to Listed Buildings. The proposal does not respect the character and appearance of the Category B Listed Building and would cause harm to the fabric of the Listed Building. As such, the proposal would not comply with Policy 7 of the National Planning Framework 4 (2023) or Policies 1,10 and 14 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Historic Environment Scotland guidance. The application is therefore recommended for refusal.

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of preserving the character and historical integrity of this Category B Listed Building; the proposed alterations would dominate the existing building by virtue of their size, height and visual prominence, thereby failing to preserve and enhance the character and historic interest of the Listed Building. As such the proposals are contrary to Policy 7 of National Planning Framework 4 (2023).and Policies 1, 10 and 14 of the Adopted FIFEplan (2017).

and

That the appropriate enforcement action be taken with respect to the unauthorised works, as provided for by the powers delegated to officers.

7.0 Background Papers

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

National Guidance:

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

The Historic Environment Scotland Policy Statement (2016)

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

Development Plan:

Adopted FIFEplan (2017)

National Planning Framework 4 (2023)

Other Guidance:

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

Report prepared by Emma Baxter, Graduate Planner and Case Officer

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