

## West and Central Planning Committee

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



Wednesday, 11 October, 2023 - 2.00 p.m.

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### AGENDA

Page Nos.

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

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

**3. MINUTE** – Minute of the meeting of West and Central Planning Committee of 13 September 2023. 4 - 6

**4. 20/01207/PPP - SUNNINGDALE LANE, DUNFERMLINE** 7 - 26

Planning permission in principle for erection of dwellinghouse and formation of new access.

**5. 23/01959/FULL - DUNFERMLINE TELEPHONE EXCHANGE, 19 ABBEY PARK PLACE, DUNFERMLINE** 27 - 32

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.

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

Lists of applications dealt with under delegated powers for the period 4 September to 1 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  
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Finance and Corporate Services

Fife House  
North Street  
Glenrothes

Fife, KY7 5LT

4 October, 2023

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## **BLENDED MEETING NOTICE**

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

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

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

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

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

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

Members joining remotely are reminded to 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, 5<sup>th</sup> Floor, Fife House, North Street, Glenrothes**

**13 September 2023**

**2.00 pm – 3.55 pm**

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

**ATTENDING:** Mary Stewart, Service Manager – Major Business & Customer Service, Martin McGroarty, Lead Professional (Infrastructure), Katherine Pollock, Lead Professional – Strategic Development, Brian Forsyth, Planner, Planning Services; Steven Paterson, Solicitor, Emma Whyte, Committee Officer, Legal & Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors James Calder and Derek Noble.

**111. DECLARATIONS OF INTEREST**

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

**112. 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.

**113. 23/00971/FULL - BALLINGALL FARM, LESLIE, GLENROTHES**

The committee considered a report by the Head of Planning Services relating to an application for the erection of a battery energy storage facility (46 MW) with ancillary buildings, including formation of access track, erection of fencing, associated drainage and landscaping infrastructure.

**Decision**

The committee agreed to approve the application subject to the 18 conditions and for the reasons detailed in the report with the removal of reference to solar farm from Condition 16.

**114. 22/02635/FULL - KENT STREET, DUNFERMLINE**

The committee considered a report by the Head of Planning Services relating to an application for a revision to conditions schedule for 22/02635/FULL - erection of 59 houses, formation of new access, provision of open space, related

infrastructure including suds basin, with related works at land to north of Kent Street, Dunfermline.

**Decision**

The committee approved the application subject to the conclusion of a legal agreement to secure the planning obligations and the 29 conditions and for the reasons detailed in the report.

**115. 23/00868/PPP - LAND TO THE EAST OF LYDIARD HOUSE, WINDYGATES ROAD, FIFE**

The committee considered a report by the Head of Planning Services relating to an application for planning permission in principle for residential development (class 9) and associated development, including alteration to access arrangements.

**Decision**

The committee refused the application for the six reasons detailed in the report.

**116. 22/02475/FULL - THE FOUNDRY, CHARLESTOWN, DUNFERMLINE**

The committee considered a report by the Head of Planning Services relating to an application for a mixed-use (Sui Generis) development (part retrospective) comprising: siting of yurt for delivery of yoga classes; erection of outbuilding/part-use of grounds for delivery of therapy services; and erection of shed for purposes incidental to delivery of the therapy services.

**Motion**

Councillor Barratt, seconded by Councillor Verrecchia, moved to approve the application, contrary to officer recommendation, subject to:-

- (1) conditions on the provision of an operational management plan with intention to limit the use and occupancy and to avoid further expansion of the development; and
- (2) secure a Section 75 agreement to ensure maintenance of visibility splays in perpetuity.

**Amendment**

Councillor Beare, seconded by Councillor Alexander, moved to continue the application to:-

- (1) secure the terms a legal agreement to secure permanent visibility splays: and
- (2) for detailed planning conditions to be considered.

**Roll Call Vote**

**For the Motion – 6 votes**

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Councillors Lesley Backhouse, David Barratt, Derek Glen, Gordon Pryde, Sam Steele and Andrew Verrecchia.

### **For the Amendment – 8 votes**

Councillors David Alexander, Alistair Bain, John Beare, Ian Cameron, Altany Craik, Dave Dempsey, James Leslie and Lea McLelland.

Having received a majority of votes, the amendment to continue the application was carried.

### **Decision**

The committee agreed to continue the application to allow for discussion with the applicant to secure permanent visibility splays and for detailed conditions to be considered.

### **117. 23/01030/FULL - 17 TOWNSEND CRESCENT, KIRKCALDY, FIFE**

The committee considered a report by the Head of Planning Services relating to an application for erection of a 1.6 metre high boundary fence and gate to front of dwellinghouse (in retrospect).

### **Decision**

The committee agreed to approve the application unconditionally.

### **118. 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 7 August to 3 September 2023.

**ITEM NO: 4**

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE REF: 20/01207/PPP**

**SITE ADDRESS: STREET RECORD SUNNINGDALE LANE DUNFERMLINE**

**PROPOSAL: PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AND FORMATION OF NEW ACCESS**

**APPLICANT: MR NEIL FAWCETT  
C/O AGENT 35 AYTOUN CRESCENT BURNTISLAND**

**WARD NO: W5R02  
Dunfermline North**

**CASE OFFICER: Lorraine Gardiner**

**DATE REGISTERED: 23/06/2021**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 representations have been received which are contrary to the officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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

1.0 Background

1.1 National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The Adopted FIFEplan LDP (Local Development Plans) (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

1.2 Since submission of the application, the introduction of NPF4 Policy 22 Flood Risk and Water Management has introduced enhanced material considerations strengthening the provisions of the Adopted FIFEplan LDP 2017 in relation to flooding. The development site lies to the south of Baldridge Burn and SEPA's Guidance Flood Maps indicate that the site may be susceptible to a low to medium risk of surface water flooding due to the burn. The application has been advertised as a potential departure to the development plan as the proposed development relates to a new build house which does not comply the main aims and objectives of this policy, unless suitably demonstrated otherwise by the applicant.

1.3 NPF4 was adopted as part of the development plan midway through the consideration of the application and in response to this the applicant provided further supporting information, including a Flood Risk Assessment and Drainage Impact Assessment. In addition, a roads engineer report was submitted to demonstrate safe means of access to the site, and this evoked further procedural requirements such as the amendment of the red line to include the proposed site access and updating of the land ownership leading to renewed notification, consultation and publication of information about the application.

1.4 The site relates to an oblong piece of scrubland which abuts the northern boundary of Sunningdale Lane all of which lies within the main settlement area of Dunfermline. It extends in size to just under 0.1ha and consists of overgrown shrubbery and mixed wild plants. The boundaries are defined with a mix of hedgerow, trees and in part fencing, with the main area being interspersed with a mix of smaller trees, shrubs and scrubland.

1.5 The site is presently accessed from the south by an informal single access track, which also supports a claimed right of way and core path. The surrounding area is high density residential to the south with the north of the site forming a large Strategic Development Area for Dunfermline North (DUN040 and DUN041 as approved under the current Development Plan).

1.6 A former railway line passed through the site and there is evidence of coal mining activity in the area. Although reclaimed in part by nature, the site has been used historically and is thus considered as a brownfield site.

1.7 Planning permission in principle is being sought for the redevelopment of the site for one dwellinghouse including the formation of a new access road connecting with Sunningdale Lane.

## 1.8 Planning Background

1.8.1 There is no planning history associated with this application.



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

- Google imagery (including Google Street View and Google satellite imagery);
- GIS (Geographical Information Systems) mapping software; and
- Site photos

## 2.0 Planning Assessment

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Garden Ground
- Road Safety
- Core Paths and Claimed Rights of Way
- Flooding
- Trees and Habitat
- Coal Legacy
- Contaminated Land
- Low Carbon
- Houses In Multiple Use

## 2.2 Principle of Development

2.2.1 NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options and where relevant within 20 minutes neighbourhoods.

2.2.2 NPF4 Policy 16 (Quality Homes) aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

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

2.2.4 As the proposal lies within the settlement boundary of Dunfermline as defined in the Adopted Local Development Plan FIFEplan (2017), there is a general presumption in favour of development subject to satisfactory details.

2.2.5 The proposal is for a residential development in an area where residential is the predominant surrounding land use and where it is further proposed by strategic development to the north of the site. As such it is an acceptable land use in these terms and the proposal would therefore comply with the Development Plan in this respect. The overall acceptability of such a development must, however, also meet other policy criteria as detailed in 2.1 above and these issues are considered in detail below.

## 2.3 Design and Visual Impact

2.3.1 NPF4 Policy 1 (Tackling the Climate and Nature Crisis) and Policy 10 (Amenity) of the Adopted Local Development Plan FIFEplan (2017), the Making Fife's Places Supplementary Guidance Document (2018) apply with regard to this proposal.

2.3.2 Policy 14 (Design, Quality and Place) of NPF4 states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable.

2.3.3 Policies 1 (Development Principles) and 10 (Amenity) of the Adopted Local Development Plan FIFEplan (2017) apply and state amongst other things that development will be supported where it conforms to relevant Development Plan policies and proposals; and the proposal respects the character, appearance, and prevailing pattern of development of the adjacent townscape in terms of external finishes and complies with any planning guidance which has been issued by Fife Council. New development must make a positive contribution to its immediate environment and is required to demonstrate well thought out design, and high standards of architecture in terms of choice of materials.

2.3.4 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. Additionally, it sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.5 The surrounding area is predominantly residential in nature, mainly comprising detached bungalows set within large individual plots with driveway access and garages, all branching to the north of the residential area associated with Parkneuk. The proposed dwellinghouse would be a singular development set to the rear of 1 and 3 Sunningdale.

2.3.6 As this application seeks planning permission in principle, specific detailed design aspects do not form part of the submission and although no formal layout has been submitted as part of the drawings, the Drainage Impact Assessment does indicatively show a detached dwelling with driveway access positioned to the site for information purposes.

2.3.7 Having considered the prevailing layout of development in the area surrounding the proposal it is considered that a sensitively designed dwelling of appropriate height with supporting landscaping to reflect the surrounding development form would not cause any detriment to the visual appearance of the streetscape and established pattern of development.

2.3.8 As such it is considered that the development in principle would comply with the associated development plan policies regarding design and visual amenity.

## 2.4 Residential Amenity

2.4.1 NPF4 Policy 16 (Quality Homes), Part (g) whilst predominantly for householder development proposals advises that support will generally be given where proposals - (i) do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and (ii) do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

In this instance whilst again the policy criteria relates to householder developments, these requirements are also considered materially relevant to new or new build residential units and the need to protect amenity standards for both existing neighbours as well as new occupants.

2.4.2 Policies 1 (Development Principles) and 10 (Amenity) of the Adopted FIFEplan Local Development Plan (2017), Planning Advice Note (PAN) 1/2011: Planning and Noise and Fife Council Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distances between Window Openings (2011) apply in terms of residential amenity.

2.4.3 The above NPF4 and FIFEplan policies and guidance set out the importance of encouraging appropriate forms of development in the interests of residential amenity. They generally advise that development proposals should be compatible with their surroundings in terms of their relationship to existing properties, and that they should not adversely affect the privacy and amenity of neighbours with regard to the loss of privacy; sunlight and daylight; and noise, light and odour pollution.

2.4.4 As per Fife Council Customer Guidelines on Daylight and Sunlight (2018), sunlight is considered to be the rays of light directly from the sun from a southerly direction, whereas daylight is the diffuse light from the sky that can come from any direction. The guidance considers these two forms of natural light as follows; sunlight received by residential properties' main amenity spaces; and daylight received by neighbouring windows serving habitable rooms. This guidance states that proposed developments should allow for the centre point of neighbouring properties' amenity spaces to continue to receive more than two hours of sunlight (calculated on 21st March).

Fife Council's Minimum Distance between Window Openings (2011) guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the angle between the windows increases - these guidelines are also used in the instance of windows neighbouring private and public open spaces.

2.4.5 As there is no detailed design and layout with this type of application the ability to assess fully what impact, if any a proposal may have on the residential amenity of adjacent properties, is limited. However, basic assessments in terms of the plot position and its relationship with the

other dwellings and site conditions can be made. In this case, it is considered that the proposed size and positioning of the plot combined with the large rear screened garden settings associated with the housing to the south, that a dwellinghouse could be designed in such a way to ensure that there would be no significant or additional residential amenity issues raised regarding loss of privacy and overlooking, daylight and sunlight on neighbouring properties.

The indicative layout supplied by the applicant as part of the Drainage Impact Assessment, goes further to show that the site can accommodate a single dwelling, however any layout and associated impacts would be fully assessed under the provisions of an ARC application in this case.

2.4.6 It is also recognised that the development of the site is located to a collection of housing in a relatively quiet area and given the prevailing landscape conditions and works required to prepare the site for construction, it is considered acceptable in this instance to request further information by condition and as part of the ARC application a Scheme of Works to demonstrate how the works would mitigate effects on sensitive premises and areas from the dust, noise and vibration associated with the construction and development activities.

2.4.7 As such it is considered that the development in principle would comply with the associated development plan policies regarding residential amenity.

## 2.5 Garden Ground

2.5.1 Fife Council's Planning Customer Guidelines on Garden Ground (2016) apply in this instance, and it advises that all new detached dwellings should be served by a minimum of 100 square metres of private useable garden space, with a building footprint to garden space ratio of 1:3.

2.5.2 The plot area is of approximately 0.1ha and would allow for a suitable size dwelling whilst still being able provide usable garden area to meet the required footprint to garden space ratio of 1:3.

2.5.3 For the purposes of this assessment it considered that the principle of the proposed development is acceptable with regards to meeting the requirements of Fife Council's Planning Customer Guidelines on Garden Ground (2016).

## 2.6 Road Safety

2.6.1 NPF4 Policy 13 (Sustainable Transport) states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and where appropriate they will be accessible by public transport.

2.6.2 Policies 1 (Development Principles), 3 (Infrastructure and Services) and 10 (Amenity of the Adopted FIFEplan Local Development Plan (2017) and Fife Council's Transportation Development Guidelines apply in this respect.

2.6.3 Policy 3 states where necessary and appropriate as a direct consequence of the development or because of cumulative impact of development in the area, development

proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking, and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance.

2.6.4 Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.6.5 The development proposes to share the single-track road as a new means of access to the plot area which leads from Sunningdale Lane to the south. The access area is adjacent to a claimed right of way (FD63) and the Crossford to Milesmark Core Path which provides pedestrian access from the residential area, through the landscaped area connecting with Drumtuthill Road to the north.

2.6.6 The proposed development would be within a 5-minute walk of the nearest bus route linking the site with the wider transport network with the City Centre of Dunfermline (including two train stations) but is also situated to a network of walks that provide access to the neighbouring town of Gowkhill and Wellwood, and suburban areas of Milesmark and surrounding amenities.

2.6.7 Following consultation with Fife Council's Parks and Countryside Team comments indicate that the route must be kept clear from obstruction at all times, during and after development. Objections have also been received from neighbouring occupiers who are concerned that the development would impact on the use of the route, even its loss which would be detrimental to the use of the area and its access to the surrounding countryside to the north. This is detailed further in 2.7 below.

2.6.8 As there is no specific details of the access design, layout and construction with the application, if the red line includes the access route to be used to service the plot, then a condition can be imposed to reasonably manage the future development of these matters by means of detailed consent under any future ARC application.

2.6.9 For clarity, the access would be approximately 50m in length and has an approach bellmouth of 5m, narrowing to 3m as it joins to the plot area. A loop area abuts the track which would indicate its use for informal turning of vehicles and the access track shows historical tyre rut markings. In this case, it is considered that the claimed right of way could be maintained in conjunction with the proposed access and that by permitting the principle of development to this area with conditions to manage the safe design of the access particularly in relation to the claimed right of way and access to Sunningdale Lane that it would formalise and improve the levels of pedestrian and road safety that already exist.

2.6.10 Initial objections were also received from neighbouring properties on the basis that the track and access was of substandard quality and unsuitable for construction traffic. Fife Council's Transport Development Management Team (TDM) also objected on the grounds that the applicant had not clearly demonstrated control of the access to allow necessary works to improve the existing sub-standard visibility splays to the site as it meets with Sunningdale Lane/Blackburn Avenue.

2.6.11 The applicant has since provided a revised red line to include the access area, as well as a Roads Engineer Report to demonstrate that the construction of the road and new access to serve the plot would be compliant with Transportation Guidelines. To achieve this the applicant

was able to demonstrate that the access and visibility of the road would be improved by providing road safety markings (white lines) to delineate the road channel and access point as it meets with Sunningdale Lane and by doing so would achieve acceptable visibility splays. Fife Council's TDM were satisfied with these measures in this case. Further conditions were, however, recommended to ensure that the construction of the road was suitable for vehicular traffic and that a Construction Traffic Management Plan (CTMP) be submitted to ensure that that the site could be accessed safely during the construction phase.

2.6.12 In this regard, it is expected that the development of the site would have to comply with Health and Safety Regulations to ensure the safe movement of vehicles and pedestrians to the construction site and because of this, a CTMP would form part of the developer's project management and delivery. The track area does have a narrowing of around 3m to the entrance of the plot and given that the plot is not directly accessed from the main road width, it is considered reasonable to condition a CTMP at the ARC planning application stage to allow further consideration of the management of the construction material delivery vehicles to the site so that the safety of pedestrians and other road users can be safeguarded.

2.6.12 Overall the development site would be suitable for development. It is suitably connected to the local transport network and settlement to support sustainable transport opportunities. The applicant has demonstrated that the safe access and visibility splays can be achieved, whilst Fife Council's TDM team do not object subject to conditions being added to the recommendation to ensure that the works comply with Transport Development Guidelines.

2.6.13 It is therefore concluded that the principle of the development would be acceptable and would comply with Fife Council Transportation Development Guidelines and relevant development plan policies in relation to Road Safety.

## 2.7 Core Paths and Claimed Rights of Way

2.7.1 Policies 1 (Development Principles) and 13 (Natural Environment and Access) of the Adopted FIFEplan Local Development Plan (2017), apply in this respect.

2.7.2 Policy 1 Part B states development proposals must safeguard the character and qualities of the landscape. Policy 13 states development proposals will only be supported where they protect or enhance natural heritage and access assets including core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation.

2.7.3 As detailed above, the Crossford to Milesmark path runs alongside the site to the single access track, this also forms part of a claimed right of way (FD63). As these are situated in part within the boundaries of the site, it is considered appropriate to include a condition requiring that these remain free from obstruction.

2.7.4 As such it is considered that the development in principle would comply with the associated development plan policies regarding Core Paths and Rights of Way.

## 2.8 Flooding and Drainage

2.8.1 Policy 22 (Flood Risk and Water Management) of NPF4 states that development proposals will not increase the risk of surface water flooding to others, or itself be at risk. Furthermore, developments should manage all rain and surface water through sustainable urban drainage systems and proposals should be assumed no surface water connection to the combined sewer. In cases, where development is at risk from flooding it will only be supported if it is for essential infrastructure for operational reasons, water compatible uses, redevelopment of an existing building or site for an equal or less use vulnerable use, or it is supported and informed redevelopment through the Local Development Plan.

2.8.2 Policies 1 (Development Principles), 3 (Infrastructure and Services) and 12 (Flooding and the Water Environment) of the Adopted FIFEplan Local Development Plan (2017) and Fife Council's current Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements also apply in this respect.

2.8.3 Policy 1 Part B of FIFEplan states development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant including avoid flooding and impacts on the water environment.

2.8.4 Policy 3 of FIFEplan states where necessary and appropriate as a direct consequence of the development or because of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.8.5 Policy 12 of FIFEplan states development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere.

2.8.6 Isolated housing development in general is not supported under Criterion 22(a) of the NPF4. However, criterion 22(c) does give scope and indication that all development proposals should not create risk to itself or others by increasing surface water flooding to the area and management of surface water will require to be addressed through a Sustainable Urban Drainage System (SUDS) with a presumption against connecting to the combined sewer for the discharge of surface water. Therefore, it is important for the development to clearly satisfy the requirements of the Policy in this case.

2.8.7 In considering the Policy Framework surrounding Flooding matters and as mentioned in Section 1.2 above, the application site presents as an indicative area for low to medium surface water flooding from the Burn to the north as per SEPA's Flood Risk Guidance Maps. The SEPA (Scottish Environment Protection Agency) website acts as a tool to establish if there is potential for risk and how Local Authorities and Developers should use it to guide development away from potential flooding areas unless demonstrated otherwise.

2.8.8 In this case, the applicant has technically proven through production of site analysis in the form of Flood Risk and Drainage Assessments that the development runs counter to the SEPA Flood Maps in that it does not lie within a flood risk area.

2.8.9 Detailed consultation was carried out with Fife Council's Structural Services and Flooding Team on the matter, and it was concluded that there was no objection to the development of the site for housing in this case and that the principle of avoidance was not applicable as there was no flood risk posed. Scottish Water was also consulted and has no objection.

2.8.10 It is therefore considered that the proposed development is an acceptable use within this area as there are no flooding implications. This removes the material consideration of Policy 22 of NPF4 in this case and that any future ARC would be subject to conditions to ensure that the proposal is designed and supported by a Sustainable Drainage System (SUDS) which would comply with the associated flooding policies of the Adopted FIFEplan (2017) and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan.

## 2.9 Trees and Natural Heritage

2.9.1 NPF4 Policy 3 (Biodiversity) advises that development should seek to contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance with measures being proportionate to the nature and scale of development. Any potential adverse impacts, including cumulative impacts of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will consider the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

2.9.2 NPF4 Policy 6 (Forestry, woodland and trees) only supports development which seeks to enhance, expand and improve the setting of ancient woodlands, ancient and veteran trees, so that there is no adverse impact on their ecological condition.

2.9.3 Policies 1 (Development Principles), 10 (Amenity) and 13 (Natural Environment and Access) of the Adopted FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018) and British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction apply with regard to the potential impact on trees and ecology as a result of this development.

2.9.4 Policies 1 and 13 of the Adopted Local Plan, amongst other criteria, advise that development proposals will only be supported where they protect or enhance natural heritage and trees and hedgerows that have a landscape, amenity, or nature conservation value. Where adverse impacts on existing assets are unavoidable the Planning Authority will only support proposals where these impacts will be satisfactory mitigated. This advice is mirrored in Fife Council's Planning Customer Guidelines on Trees and Development.

2.9.5 A Tree Survey report was submitted by the applicant, and it indicated that the site has a mix of broadleaved trees, scattered scrub, and tall ruderal species with several conifers on site. The associated tree survey and plan proposes the removal of 6 trees which have limited value in terms of age, ecology, and form to facilitate the development of the site. In this case the report recommends compensatory replacement planting to support the habitat and visual quality of the site. A further Preliminary Ecological Appraisal (PEA) was also submitted, which indicates that the habitat and plant species recorded within the survey area are considered widespread and common throughout the local region, and that the site offered evidence of breeding birds but no evidence of bat roosts within or immediately adjacent to the site. Recommendations include measures for seasonality to protect bird nesting periods, as well as general good practice measures to safeguard other wildlife during construction.



2.9.6 Consultation was carried out with Fife Council's Tree Protection Officer and it was concluded that the site did not have any Tree Protection Orders in place and that the current land use was overgrown in nature and the trees that were to be removed should be compensated with replacement planting to ensure no net loss in flora or biodiversity.

2.9.7 The recommendations of the PEA were supported by Fife Council's Natural Heritage Officer following consultation and that access to the claimed right of way and core path should be maintained, or suitable alternatives arranged. It was noted that the site is recorded as being part of the Fife Woodland Integrated Habitat Network (IHN) and the Grassland (IHN), but there were no designated sites for nature conservation or geology to the site or within proximity. The officer's comments in this case aligned with the recommendations in the submission of a PEA.

2.9.8 Consultation responses indicate that the development of the site subject to the provision of additional tree planting and supported wildlife and habitat measures would not significantly impact the existing natural heritage offered by the site.

2.9.9 In this case, the applicant has sought to demonstrate that the site can be developed without significant harm to the habitat and wildlife. Further measures for replacement tree planting however, should form part of the more detailed design consideration of the ARC along with the recommendations laid out within the PEA report. As such the principle of development complies with the relevant development plan policies in relation to Trees and Natural Heritage.

## 2.10 Coal Legacy

2.10.1 Policies 1 (Development Principles) and 10 (Amenity) of the Adopted FIFEplan Local Development Plan (2017) apply with regards to land stability in this instance.

2.10.2 Policy 10 of FIFEplan advises development proposals involving sites where land instability or the presence of contamination is suspected, the developer is required to submit details of site investigation to assess the nature and extent of any risks presented by land stability or contamination which may be present and where risks are known to be present, appropriate mitigation measures should be agreed with the Council.

2.10.3 The application site falls within a Development High Risk Area for coal mining as such a Mining Risk Assessment Report was provided with the application, and it concluded that possible unrecorded mine workings with the nearest coal seam could pose a potential risk of instability to the site and that further intrusive ground investigations would be required.

2.10.4 Following consultation with the Coal Authority, although concurring with the report they raised further concerns that it did not include reference to the Kelty Main Coal Seam which Coal Authority records indicate had been worked at a shallow depth beneath the site. A further Geo-Technical Report was submitted by the applicant and the Coal Authority concluded that although they did not object to the proposed development of the site, pre-development conditions should be added to ensure that a scheme of intrusive investigations should be carried out to establish overall risk from coal legacy, and that if they were found, appropriate remediation/mitigation works would be required to ensure land stability. All investigations should also be carried out by a competent person and that were required, appropriate licensing and signed statements of declaration were supplied for approval.

2.10.5 In this case, the applicant has sought to demonstrate that the site development and safeguarding of coal legacy within the area can be addressed subject to the conditions from the Coal Authority, which can be secured through the more detailed ARC application. As such the principle of development complies with the relevant development plan policies.

## 2.11 Contaminated Land

2.11.1 Planning Advice Note (PAN) 33 Development of Contaminated Land (2000) and Policies 1 (Development Principles) and 10 (Amenity) of the Adopted FIFEplan Local Plan Development Plan (2017) apply with regards to land stability in this instance.

2.11.2 PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. Policy 10 of FIFEplan advises development proposals involving sites where land instability or the presence of contamination is suspected, the developer is required to submit details of site investigation to assess the nature and extent of any risks presented by land stability or contamination which may be present and where risks are known to be present, appropriate mitigation measures should be agreed with the Council.

2.11.3 Fife Councils Land and Air Quality team were consulted and confirmed that the site formerly had a railway line passing through and that there was extensive history of coal mining in the immediate area. As such, appropriate conditions should be included to manage any contamination on the site. Given the further evidence of contamination, a further Geo-Technical Report to assess coal workings and land contamination was submitted. In this case, the Land and Air Quality Team raised no further objections subject to safeguarding conditions.

2.11.4 In conclusion, it is deemed that the proposal would be compliant with the above legislation, subject to meeting the requirement of appropriate conditions as recommended by the Fife Council's Land and Air Quality Team. As such the principle of development complies with the relevant development plan policies in this regard.

## 2.12 Low Carbon

2.12.1 NPF4 Policies 1 (Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) advise that when considering proposals, significant weight to encourage, promote and facilitate development in sustainable locations and those that address the global climate and nature crises through zero carbon and nature positive places will be encouraged. As such proposals will be sited and designed to minimise lifecycle greenhouse gas emissions and adapt to current and future risks for climate change as far as possible.

2.12.2 NPF4 Policy 11 (Energy) also provides support for all forms of renewable, low-carbon and zero emissions technologies provided associated detrimental impacts are addressed whilst Policy 12 (Zero Waste) also aims to encourage, promote and facilitate development that is consistent with the waste hierarchy and as such development proposals should seek to reduce, reuse or recycle materials and amongst others reuse existing buildings; reduce/minimise waste; use materials with the lowest forms of embodied emissions such as recycled and natural construction materials. Policy 19 (Heat and Cooling) part (f) advises that development proposals for buildings that will be occupied by people will be supported where they are designed to

promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.

2.12.3 Collectively, Policies 1 (Development Principles), Part B, 3 (Infrastructure and Services) and 11 (Low Carbon Fife) of the Adopted FIFEplan Local Plan Development Plan (2017) state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place.

2.12.4 The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal.

2.12.5 A Low carbon statement and sustainability statement have been submitted in support of this application and although there is no detailed design the applicant has shown commitment to addressing this in the future development. This, however, would be assessed further at the detailed ARC stage of the application process and that by submission of the Low Carbon Checklist at this stage, shows willing intent to manage this as a future consideration, as such a condition has been added to secure this detail further, allowing the principle of the development to be compliant with the associated development plan policies.

## 2.13 Houses in Multiple Occupation

2.13.1 Policy 2 (Homes) of the Adopted FIFEplan Local Plan Development Plan (2017) advises that the use of a new build house or flat as a house in multiple occupation will not be permitted unless the development is purpose built for that use and that the Council will impose this restriction by applying a condition to planning permissions.

2.13.2 The proposal is not intended for HMO (House in Multiple Occupation) use at this time and a suitable condition is recommended to ensure that the property will not be used as an HMO in the future unless a further application for that use is submitted for consideration.

## CONSULTATIONS

Parks Development And Countryside - Rights Of Way/Access	Approve with Conditions.
TDM, Planning Services	Approve with Conditions.
Land And Air Quality, Protective Services	Approve with Conditions.
Trees, Planning Services	Approve with Conditions
Natural Heritage, Planning Services	Approve with Conditions
The Coal Authority	Approve with Conditions
Structural Services - Flooding, Shoreline and Harbours	No objection as it has been demonstrated that the site does not lie within a flood risk area.

## REPRESENTATIONS

24 letters of objection have been received in relation to:

- Outwith Settlement
- Visual Impact
- Residential Impact
- Construction and Noise
- Road and Pedestrian Safety
- Loss of Claimed Right of Way/Core Path
- Loss of Wildlife/Biodiversity
- Loss of Trees

The material planning considerations relating to these concerns have been addressed under sections 1.4 (Background), 2.3 (Design and Visual Amenity), 2.4 (Residential Amenity), 2.6 (Road Safety), 2.7 (Core Paths and Rights of Way) and 2.9 (Trees and Natural Heritage) of this report of handling.

Comments regarding previous refusals do not relate to this site. All applications are to be considered on their individual merits.

Comments regarding development adjacent to greenbelt. The site lies within the settlement boundary and although the surrounding area to the north is countryside, it is not designated greenbelt.

Comments regarding legal ownership are considered non-material to the consideration of the application. The applicant has taken measures to amend the red line and notified where appropriate all other interested parties as part of the planning application process.

## CONCLUSIONS

The proposal is acceptable in meeting the terms of National Guidance, the Development Plan, and relevant Council Planning Customer Guidelines and is compatible with its surrounds in terms of land use and its siting, design and finish will not have any adverse impact on the amenity of the surrounding area.

## RECOMMENDATION

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

1. The development to which this permission relates must be commenced no later than 5 years from the date of this permission.

Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. A further application(s) for certain matters (Approval of Matters Required by Condition) shall be submitted for the requisite approval of this Planning Authority, together with the detailed plans which shall include:-

(a) A location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and means of access and sewers, the position of all buildings and a design statement including analysis as to how the proposed development would relate to the surrounding development and would preserve and maintain the established trees on site;

(b) A detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, finished ground and building floor levels, new walls and fences and details of proposed landscape treatment including tree protection and a Sustainable Drainage Scheme (SuDs);

(c) Detailed plans, sections and elevations of all buildings proposed to be erected on the site, together with details of the proposed method of drainage and the colour and type of materials to be used externally on walls and roofs; including cross-sectional plans indicating:

- a. the extent of the development site, the proposed finished floor levels, and the ridge level of the proposed development.
- b. the levels of all adjacent land and buildings and their relationship to the proposed development.
- c. any existing or proposed screening measures (e.g. walls or fencing).

(d) A full tree survey and full details of the tree protection measures and future maintenance details for the trees on site, this shall also include details of works to upgrade the existing access to the site with special reference to works affecting tree roots adjacent to and below the line of the proposed access. Where tree removal is proposed, the tree survey should provide details of any replacement value to the site.

No work (including works to the existing trees on site) shall be started on site until the written permission of this Planning Authority has been granted for these proposals, or such other details as may be acceptable.

(e) An updated Ecological Appraisal which takes full account of the recommendations laid out in the Phase 1, Preliminary Ecological Appraisal (Brindley Associates, dated 25th January 2023).

(f) An updated Flood Risk Assessment and Drainage Impact Assessment including, details of SuDS and appropriate documentation, including check certificates, in line with the current Fife Council's Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note.

(g) Details of the treatment and disposal of foul and surface water from the development, including such information in line with the current Fife Council's Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note.

(h) A Scheme of Works, the details of which shall include measures to mitigate the effects on sensitive premises and areas etc. of dust, noise, vibration from construction activities. For the avoidance of doubt, the use of British Standard BS 5228: Part 1:2009 'Noise and Vibration Control on Construction and Open Sites' and BRE (Building Research Establishment)

Publication BR456 (February 2003) 'Control of Dust from Construction and Demolition Activities' or applicable updated versions shall be referred to and complied with, where applicable.

(i) A Construction Traffic Management Plan (CTMP) shall be submitted detailing how the sizes of delivery vehicles would be restricted to ensure that they could safely access the application site. The CTMP should include details of the sizes of all construction vehicles and the proposed mitigation measures to ensure their safe operation.

(j) A sustainability statement illustrating the developments' compliance with Fife Council's Planning Policy - Low Carbon Fife Supplementary Guidance Document (2019). The sustainability statement shall address all of the matters set out in Appendix B of Fife Council's Low Carbon Fife Supplementary Guidance (January 2019).

Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.

3. The dwelling shall be a maximum of single storey construction and may include rooms in the roof-space, shall be of a design which reflects the prevailing architectural character of the locality in terms of form, scale, building layout, elevational details and finishing materials. The application shall include an access and design statement relating the detailed design to its setting with particular reference to the setting generally.

Reason: In order to ensure the appropriate design for the setting of the site and the prevailing vernacular and development layout and to preserve the visual and residential setting of the area.

4. A scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted to the Planning Authority. The scheme as approved shall be implemented within the first planting season following the date of this consent.

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

5. Prior to the occupation of the dwelling, all access driveways shall be constructed at a gradient not exceeding 1 in 10 (10%) and shall have appropriate vertical curves to ensure adequate ground clearance for vehicles. The first two metre length of the driveway to the rear of the public footway shall be constructed in a paved material (not concrete slabs).

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

6. Prior to the occupation of the dwelling, the vehicular access track between the application site and its junction with the public road shall be constructed in a bound surface suitable for use by a car. A detailed plan and specification of the proposed surfacing of the access track shall be submitted for the written approval of this planning authority and shall thereafter be implemented and permanently maintained as such for the lifetime of the development.

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

7. Prior to the occupation of the dwelling, there shall be provided within the curtilage of the site a turning area for a car. The turning area shall be formed outwith the parking areas and shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure that all vehicles taking access to and egress from the site can do so in a forward gear.

8. Prior to the occupation of the dwelling, visibility splays 2m x 25m shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access and the public road, in accordance with the current Fife Council Making Fife's Places Appendix G and as per the layout shown on Drawing No 23139-100 attached to the Roads Engineering Report (McGregor McMahon Consulting Engineers, dated 7th December 2021). The visibility splays shall be retained for the lifetime of the development.

Reason: In the interests of road safety; to ensure the provision of adequate visibility at the junction of the vehicular access to the site and the public road.

9. Prior to the occupation of the dwelling, off-street parking shall be provided in accordance with the current Fife Council Parking Standards contained within the current Fife Council Making Fife's Places Appendix G. The parking spaces shall be retained for the lifetime of the development.

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

10. The core path (FD63) and claimed right of way which run past the western part of the application site and form part of the proposed road access arrangements for the site, shall be kept clear of all obstruction 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 claimed right of way or core path on or adjacent to the application site, unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: To ensure that all core path and rights of way are protected and not adversely affected as a result of the development.

11. BEFORE ANY WORKS COMMENCE ON SITE; a scheme of intrusive site investigation works to identify any coal mining legacy issues shall be undertaken. The results of these investigations along with details of any required remedial works and/or mitigation measures to address land instability shall be submitted in a report for the prior written approval by Fife Council as Planning Authority in consultation with The Coal Authority. Thereafter any identified and agreed remedial works and/or mitigation measures shall be undertaken in full BEFORE ANY DEVELOPMENT WORKS COMMENCE ON SITE. The intrusive site investigations and remedial works shall be carried out in accordance with the relevant authoritative UK guidance.

Reason: To avoid unacceptable risks to human health and the environment.

12. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the

local planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at [www.fifedirect.org.uk/contaminatedland](http://www.fifedirect.org.uk/contaminatedland).

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

13. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 11. 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.

14. 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.

15. The residential unit provided on site shall be used solely as a residence for (a) a single person or by people living together as a family; or, (b) not more than 5 unrelated residents living together in a dwellinghouse. For the avoidance of doubt, the residential unit hereby approved shall not be used for Housing in Multiple Occupation.

Reason: In the interests of maintaining a mixed and balanced housing stock as required by Adopted FIFEplan - Fife Local Development Plan Policy 2 (Homes) or any subsequent revision or amendment of this document.

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

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

### National Guidance

Scottish Government Circular 4/1998 - The Use of Planning Conditions in Planning Permissions  
Planning Advice Note (PAN) 33 - Development of Contaminated Land (2000)

### Development Plan

National Planning Framework 4 (2023)  
Adopted FIFEplan Fife Local Development Plan (2017)  
Making Fife's Places Supplementary Guidance (2018)

### Other Guidance:

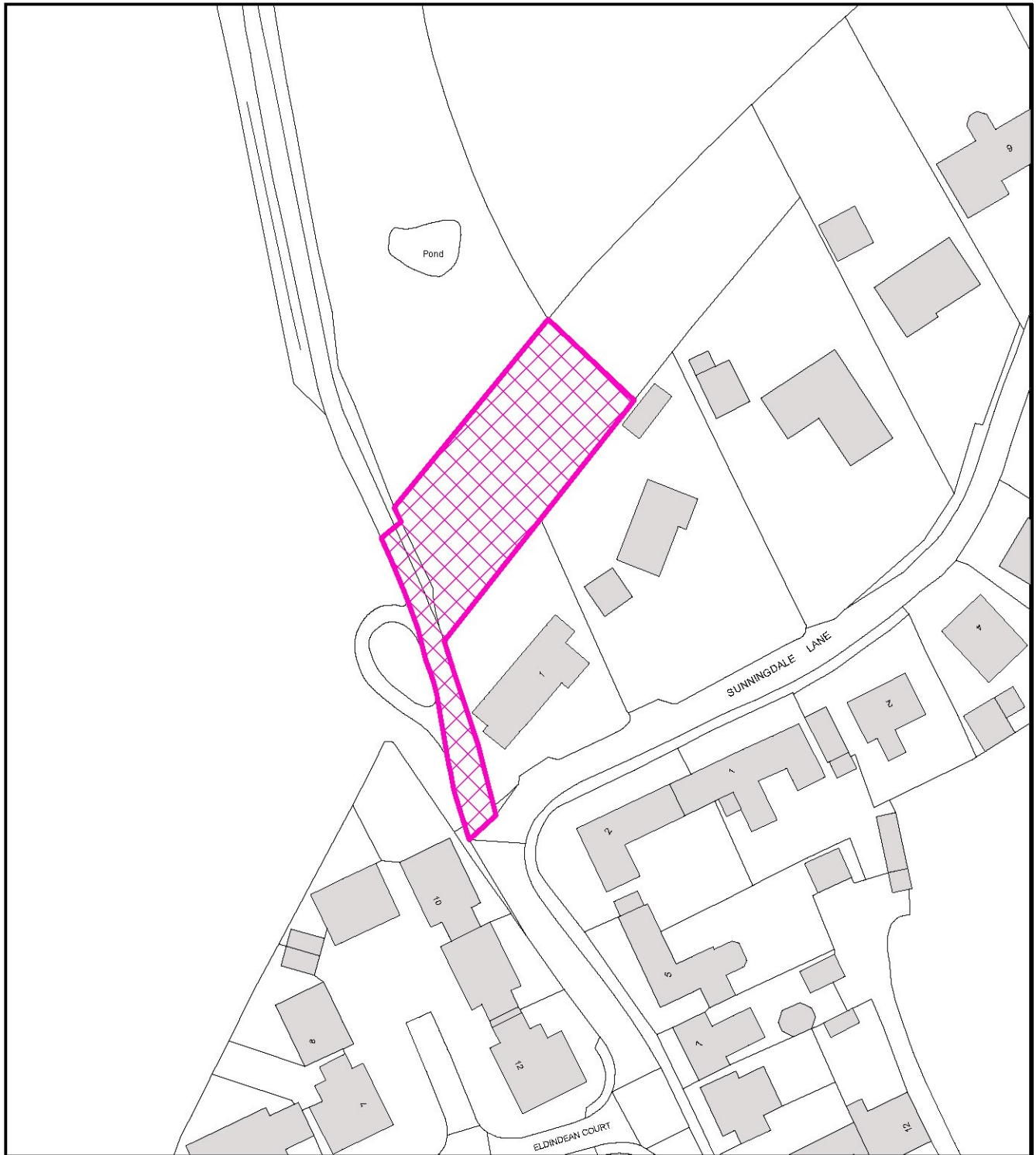
Making Fife's Places Supplementary Guidance Document (2018)  
Low Carbon Fife Supplementary Guidance (2019)  
Fife Council Appendix G - Transportation Development Guidelines  
Fife Council Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note  
Fife Council Planning Customer Guidelines on Garden Ground (2016)  
Fife Council Planning Customer Guidelines on Daylight and Sunlight (2022)  
Fife Council Planning Customer Guidelines on Minimum Distances between Window Openings (2011)  
Fife Council Planning Customer Guidelines on Trees and Development

Report prepared by Lorraine Gardiner, Planning Assistant and Case Officer  
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

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# 20/01207/PPP

Sunningdale Lane, Dunfermline



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<b>Legend</b>	
 Application Boundary	
	
 Fife COUNCIL Planning Services	

**ITEM NO: 5**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 23/01959/FULL**

**SITE ADDRESS: DUNFERMLINE TELEPHONE EXCHANGE 19 ABBEY PARK PLACE DUNFERMLINE**

**PROPOSAL:: 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**

**APPLICANT: CELLNEX  
2 BLAGRAVE STREET READING UNITED KINGDOM**

**WARD NO: W5R03  
Dunfermline Central**

**CASE OFFICER: Jamie Ure**

**DATE 26/07/2023**

**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 representations have been received which are contrary to the officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

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

## 1.0 Background

1.1 This application relates to the Dunfermline Telephone Exchange in the city centre of Dunfermline and within the Dunfermline Outstanding Conservation Area. This is a modernist building in a historic area surrounded by various residential, retail and commercial properties. The building has a flat roof with existing telecommunications apparatus to the roof including existing antennas, dishes and ancillary equipment.

1.2 This application seeks planning permission for the installation of three new antenna to the roof along with ancillary equipment.

1.3 An International Commission on Non-Ionizing Radiation Protection (ICNIRP) declaration has been submitted confirming that the proposed emissions would comply with all the relevant guidelines on public exposure. A justification statement that the development is required to improve the connectivity to the local area has also been provided.

1.4 There have been various previous planning applications associated with the site for at least 20 years with the maintenance, replacement and installation of various antenna, mast and dishes to the roof of Dunfermline Telephone Exchange including:

- 99/00313/WFULL - Erection of a security fence and gates - Permitted 25/06/99
- 02/00780/WFULL - Installation of telecommunication apparatus - Permitted with conditions 27/05/02
- 04/03815/WFULL - Installation of 3 antennas and relocation of existing antenna on existing telecommunications apparatus - Permitted with conditions 14/12/04
- 06/00945/WFULL - Installation of one 0.3 metre pole mounted transmission dish (in retrospect)
- Permitted with conditions 08/05/06

- 14/03971/FULL - Replacing 3no. existing antennas with 3no. new antennas onto existing support poles and installing 1no. additional equipment cabinet (600mm x 600mm x 2000mm) - Permitted with conditions 03/02/15
- 15/00102/FULL - Installation and replacement of telecommunications equipment - Permitted with conditions 04/03/15
- 15/00415/FULL - Installation of telecommunications equipment to roof - Permitted with conditions 08/05/15
- 15/03775/FULL - Installation of 1No additional equipment cabinet onto the existing support grillage on the roof of the Dunfermline Telephone Exchange - Permitted 05/01/16

1.5 A physical site visit has not been undertaken for this application. All necessary information has been collated digitally to allow for the full assessment of the proposal. This includes photographs provided by the agent, Google Maps Street View and ArcGIS interactive maps. It is considered that, given the evidence and information available to the case officer, this is sufficient to determine the proposal.

## 2.0 Assessment

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

- a) Design & Visual Impact on Conservation Area
- b) Health & Safety

### 2.2 Design & Visual Impact on Conservation Area

2.2.1 National Planning Framework 4 (NPF4), policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan 2017, and the Dunfermline Conservation Area Appraisal and Management Plan (2014) apply with regard to this proposal.

2.2.2 The newly adopted NPF4 intends to encourage, promote and facilitate the roll out of digital infrastructure. NPF4 policy 24 advises proposals for digital infrastructure will only be supported where the visual and amenity impacts of the proposed development have been minimised through careful siting, design, height, materials and landscaping, taking into account cumulative impacts and relevant technical constraints.

2.2.3 Policies 1 and 10 of the Adopted FIFEplan Local Development Plan 2017 state that development will be supported whereby it does not have a significant detrimental impact on the amenity of surrounding land uses in terms of the visual impact of the development on the surrounding area. Policy 3 states that development proposals for communications equipment will be supported where they have been positioned and designed to avoid unacceptable effects on the natural and built environment.

2.2.4 A total of nine representations have been received, with eight of these being objections and six of those objections raising concerns regarding the visual impact of the proposals on the conservation area.

2.2.5 The principle of electronic communications equipment on the roof of Dunfermline Telephone Exchange has long been established with a number of past planning applications for the addition and alteration of similar antenna and infrastructure. It is considered that the proposed alterations including the addition of three new antenna would have no additional visual impact upon the surrounding environment with the proposed works all being lower on the roof

than the highest infrastructure that currently exists on the roof. The proposed three new antenna and equipment would also be installed onto existing steelwork or to existing bases that already support antenna. Dunfermline Telephone Exchange is a bulky modernist building that contributes little to the character of the outstanding conservation area and planning permission has been granted for the addition of similar apparatus to its roof over a period of 20 years. It is deemed that the impact on the character of the conservation area from this building and the existing telecoms equipment to the roof would not be significantly further impacted by the addition of the proposed three new antenna and ancillary equipment.

2.2.6 In light of the above, the design and siting of the antenna and associated works would have no significant adverse effect upon the surrounding environment and would have little impact on the appearance of the conservation area and is therefore deemed the overall character of the area is preserved and would therefore be in compliance with the Development Plan and its related guidance.

## 2.3 Health and Safety

2.3.1 All eight of the submitted representations opposing the development also raised concerns about the potential health impacts of the proposed equipment.

2.3.2 The Scottish Government does not prohibit Planning Authorities from regarding representations on grounds of health and safety as material considerations. However, Scottish Planning Policy 2014 states that the siting and design of the equipment are planning issues, and that health issues should not be addressed through the planning system. This is due to the fact that all applications for planning permission involving antennas must be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines for public exposure to radio frequency radiation. This application was accompanied by the relevant ICNIRP certification. As the emissions of radiofrequency radiation are controlled and regulated under other legislation it is not necessary for the Planning Authority to treat radiofrequency radiation as a material consideration.

2.3.3 In light of the above, there are no relevant health and safety concerns associated with this application and therefore the application is considered to be in compliance with the Development Plan and associated guidance.

## CONSULTATIONS

None

## REPRESENTATIONS

Eight objections and one comment in support of the development were received.

- Objections included six similar representations with concerns relating to the visual impact on the conservation area (addressed in the report section 2.2.4 and 2.2.5) and health risks imposed on nearby residents (addressed in the report section 2.3.2).
- One objection raised concerns with poor maintenance and litter around the existing building. This would not be a material planning consideration but these comments have been made available to the applicant.

- One other objection raised concerns including with the visual impact (addressed in the report section 2.2.4 and 2.2.5). They also raised concerns with potential noise from the equipment and with disturbance of seagulls nesting on the roof. Neither of these are material planning considerations as there is separate legislative provision to address these matters.
- One supportive comment welcomed the proposed improvement to the telecoms infrastructure

## **CONCLUSIONS**

The proposal is considered to be acceptable in meeting the terms of the Development Plan in terms of design, visual amenity and health concerns. The proposal represents additions and alterations to a location that already sites existing telecommunications equipment and would therefore have no significant detrimental impact upon the surrounding area or the overall conservation area.

## **RECOMMENDATION**

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

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

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

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

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

Development Plan:  
National Planning Framework 4  
Adopted FIFEplan Local Development Plan (2017)

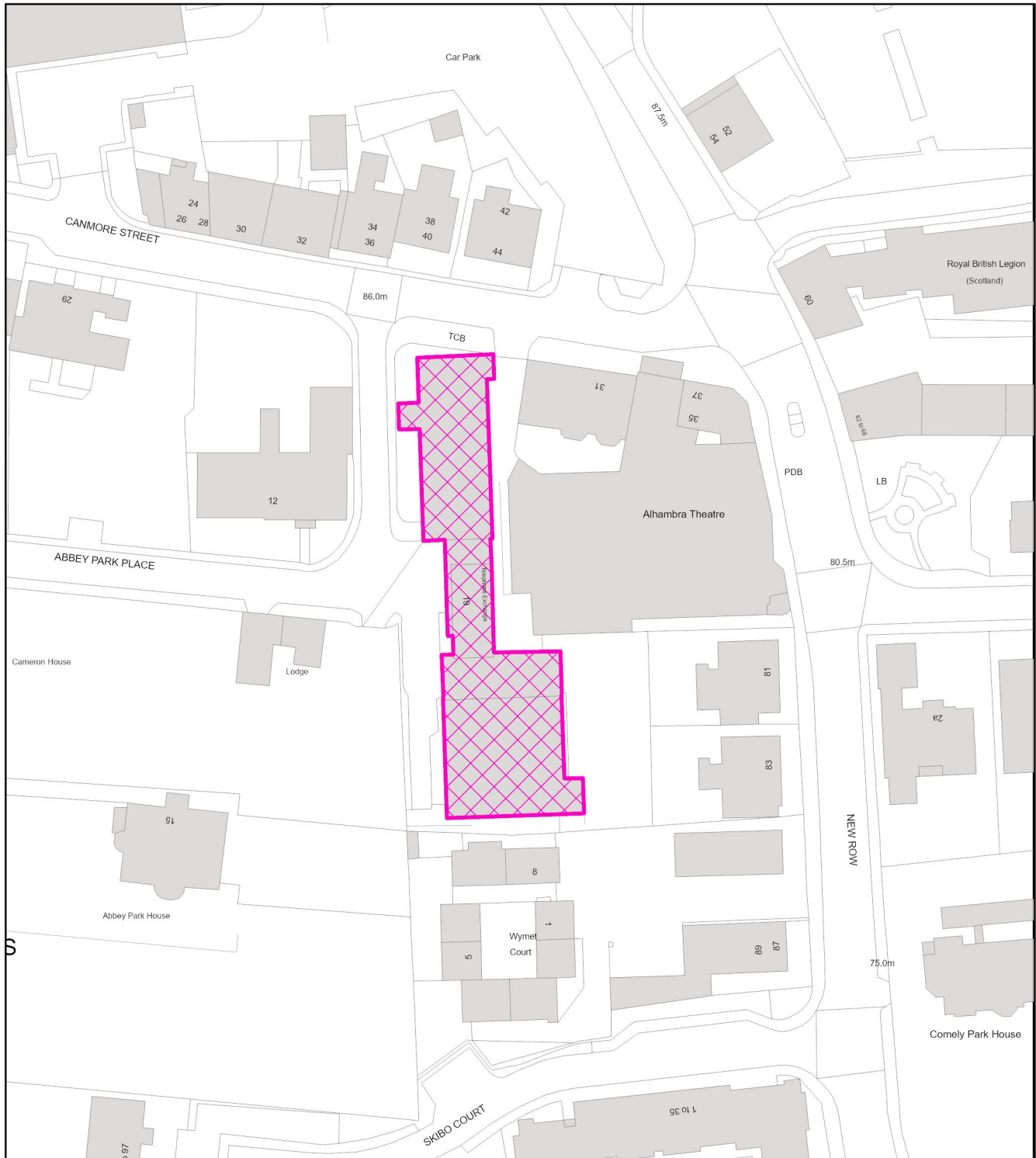
Other Guidance:  
Dunfermline Conservation Area Appraisal and Management Plan (2014)

Report prepared by Jamie Ure, Planning Assistant and Case Officer  
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

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Dunfermline Telephone Exchange, 19 Abbey Park Place, Dunfermline



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<b>Legend</b>	
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