

West and Central Planning Committee

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



Wednesday, 28 August, 2024 - 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 26 June 2024. 4 - 8

4. **24/00111/FULL - CASTLEHILL MINE BRANKSTONE BLAIRHALL** 9 - 36

Change of use of industrial land to holiday lodge/caravan park including siting of holiday lodges, associated retail unit (Class 1) and creation of path link to adjacent cycle path.

5. **24/00203/FULL - LAND WEST OF MUIRHEAD FARM MUIRHEAD LOCHGELLY** 37 - 50

Erection of six dwellinghouses (Class 9) and associated development including formation of vehicular access.

6. **24/01053/FULL -LAND AT THE QUARRY CARNOCK ROAD OAKLEY** 51 - 61

Erection of holiday accommodation including erection of fence, landscaping and formation of access and hardstanding.

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

<https://www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/planning-applications/weekly-update-of-applications2>

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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Glenrothes
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21 August, 2024

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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, 5th Floor, Fife House, North Street, Glenrothes

26 June, 2024

2.00 pm – 3.50 pm

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

ATTENDING: Kevin Treadwell, Service Manager Strategic Development & Infrastructure, Development Management, Martin McGroarty, Lead Professional, Bryan Reid, Lead Professional, Steve Lannarelli, Team Manager, Natasha Cockburn, Planner, Development Management, Planning Services; Steven Paterson, Solicitor, Elona Thomson, Committee Officer, and Michelle Hyslop, Committee Officer, Legal and Democratic Services.

APOLOGY FOR ABSENCE: Councillor Carol Lindsay.

177. DECLARATIONS OF INTEREST

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

178. MINUTE

The committee considered the minute of the West and Central Planning Committee of 29 May 2024.

Decision

The committee agreed to approve the minute.

179. CHANGE OF MEMBERSHIP

The committee noted that Councillor Carol Lindsay had replaced Councillor Lesley Backhouse as a member of the West and Central Planning Committee.

180. 21/00791/PPP - LAND TO SOUTH OF THE PIGGERY THE AVENUE LOCHGELLY

The committee considered a report by the Head of Planning relating to an application for a major residential development of residential units, associated car parking, open space, landscaping, drainage and formation of new accesses onto The Avenue, Lochgelly.

The committee noted the following verbal updates to the report: -

- Page 30. Paragraph 2.11.14 of the report, the sentence beginning “including xx Park” should read Moore Park; and

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- Section 5 Conclusions should read: - The assessment of this application has considered the application submission documents, the representations received from third parties and the replies to the consultation process. The proposed development is in accordance with the National Planning Policy 4 (2022) and the Adopted FIFEplan (2017) in that the site forms part of the Lochgelly Strategic Land Allocation (SLA). The development as proposed is in accordance with the Lochgelly SLA Allocation Policy LGY 007 in that the proposal is for residential development within the settlement boundary and is within part of the SLA specifically identified for housing. The accompanying Masterplan adequately demonstrates suitable design principles that will inform an acceptable layout that would have no significant adverse impact on visual amenity and the landscape. The development would have no significant impact in terms of residential amenity, transportation, drainage or natural heritage subject to mitigation and controls being implemented in the detailed applications, during the lifetime of the development and via contributions secured by a s75 Legal Agreement. **The applicant has demonstrated that brining forward this part of the Lochgelly SLA, ahead of the remainder of the Lochgelly SLA, will not prejudice the delivery of the wider Lochgelly SLA allocation.** The development is in accordance with the Development Plan in all regards, and there are no material considerations which would outweigh the Development Plan in this instance. The proposal is therefore considered acceptable.

Decision

The committee agreed to: -

- (1) approve the application subject to the 29 conditions and reasons detailed in the report and the conclusion of a legal agreement to secure the necessary planning obligations, namely: -
 - (a) securing proportionate financial contribution towards the costed modular accommodation within Lochgelly South Primary School (indexed);
 - Securing proportionate contributions (of 4.3%) towards the total costs (indexed) of delivering the strategic transport improvements within Lochgelly relating to:
 - Junction 1: Station Road/Bank Street/Auchterderran Road mini-roundabout signalisation of the junction with removal of on-street parking on Auchterderran Road;
 - Junction 2: The Avenue / B9149 roundabout - increase in the size of the roundabout, with increased flare lengths provided on the western and southern approaches
 - Junction 3: A92 / B9149 eastbound on and off-slip crossroad – signalization and provision of a left-turn slip onto the eastbound on-slip
 - Footway/cycleway creation along site frontage (The Avenue) in line with development phases.
 - 5% Affordable Housing within the site.
- (2) that authority be delegated to the Head of Planning Service in consultation with the Head of Legal and Democratic Services to negotiate and conclude

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the legal agreement necessary to secure the obligations set out in Paragraph A, above, and

- (3) that should no agreement be reached within 12 months of the Committee's decision, authority would be delegated to the Head of Planning in consultation with the Head of Legal & Democratic Services to refuse the application should this be deemed appropriate.

Councillor McLelland joined during consideration of the above item.

181. 23/02886/EIA - COMRIE COLLIERY SALINE ROAD KINNEDDAR

The committee considered a report by the Head of Planning relating to an application for a Major development: leisure & tourism, employment, retail, care village, residential, renewable energy, open space, landscape works, paths & associated works.

Members were advised of the following verbal updates to the report: -

- Page 46. Title page of Agenda Item No.6 should read “Application for Planning Permission in Principle (EIA Development)”;
- Page 88. Summary of consultation responses – Policy And Place Team (West Fife Area) should read “Contrary to NPF4”; and
- Page 88. Paragraph 4.2.1 under Addressed in Paragraph(s), should read “2.7.16 to 2.7.18”.

Decision

The committee agreed: -

- (1) to approve the application subject to the 46 conditions and reasons detailed in the report and the conclusion of a legal agreement to secure the necessary planning obligations, namely:
 - (a) Securing a financial contribution towards the Strategic Transport Interventions of £456 per dwelling, tourism lodge/chalet, live/work unit, smart clachan, care village unit (excluding affordable housing); plus, a pro-rata contribution for the hotel;
 - Securing 25% of the site’s housing units as affordable housing;
 - Securing the final delivery of landscaping and open space for development areas should the development stall for 3 years or more; - Securing a financial contribution towards the costs of the mitigation across Dunfermline secondary schools and Saline Primary School; - Defining the arrangements for periodic review of the education impact of the development.
 - Defining the arrangements for periodic review of the financial viability of the development as a whole, the funding raised through development to date and the investment made in in site restoration and infrastructure, and quantifying the funding required to complete restoration works.
- (2) That authority would be delegated to the Head of Planning Service in consultation with the Head of Legal and Democratic Services to negotiate and conclude the legal agreement necessary to secure the obligations set out in paragraph A, above; and

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- (3) that should no agreement be reached within 12 months of the Committee's decision; authority would be delegated to the Head of Planning in consultation with the Head of Legal and Democratic Services to refuse the application should it be deemed appropriate.

182. **23/00346/ARC - LAND TO SOUTH OF MAIN STREET COALTOWN OF WEMYSS**

The committee considered a report by the Head of Planning relating to an Application for Matters Specified in Conditions for 125 residential units (including 3 no Affordable Housing units) and associated infrastructure, drainage and landscaping as required by condition 1 of 19/00385/PPP.

Decision

The committee agreed to approve the application subject to the 23 conditions and for the reasons detailed in the report.

183. **23/00347/FULL - LAND TO SOUTH OF MAIN STREET COALTOWN OF WEMYSS**

The committee considered a report by the Head of Planning relation to an application for the Formation of SuDS basin and surface water outfall (associated with application 19/00385/PPP).

Decision

The committee agreed to approve the application subject to the 6 conditions and for the reasons detailed in the report.

184. **24/00542/ARC - LAND EAST OF RIVER LEVEN ELM PARK LEVEN**

The committee considered a report by the Head of Planning relating to an application for approval of matters specified in conditions (Conditions 2 a) to c), e) to h) and j) to y)) of planning permission in principle 23/02125/PPP for formation of active travel network (Phases 1 and 2a).

Decision

The committee agreed:-

- (1) to approve the application subject to the 9 conditions and for the reasons detailed in the report; and
- (2) the addition of the following condition: -

the development hereby approved shall be carried out using the approved materials unless otherwise agreed in advance with the planning authority.

Reason: In order to retain proper control of the development in the interest of visual amenity and pedestrian safety.

185. 24/00646/FULL - LAND EAST OF RIVER LEVEN ELM PARK LEVEN

The committee considered a report by the Head of Planning relating to an application for the Formation of footpath including installation of lighting columns.

Decision

The committee agreed to approve the application subject to the 10 conditions and for the reasons detailed in the report.

186. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

The committee noted the applications dealt with under delegated powers since the last meeting.

Committee Date: 28/08/2024

Agenda Item No. 4

Application for Full Planning Permission

Ref: 24/00111/FULL

Site Address: Castlehill Mine Brankstone Blairhall

Proposal: Change of use of industrial land to holiday lodge/caravan park including siting of holiday lodges, associated retail unit (Class 1) and creation of path link to adjacent cycle path

Applicant: Mr Ben Jurin, Lynnfield House 249 Church Street

Date Registered: 29 January 2024

Case Officer: Scott Simpson

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 Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

Summary Recommendation

The application is recommended for: Conditional approval requiring a legal agreement

1.0 Background

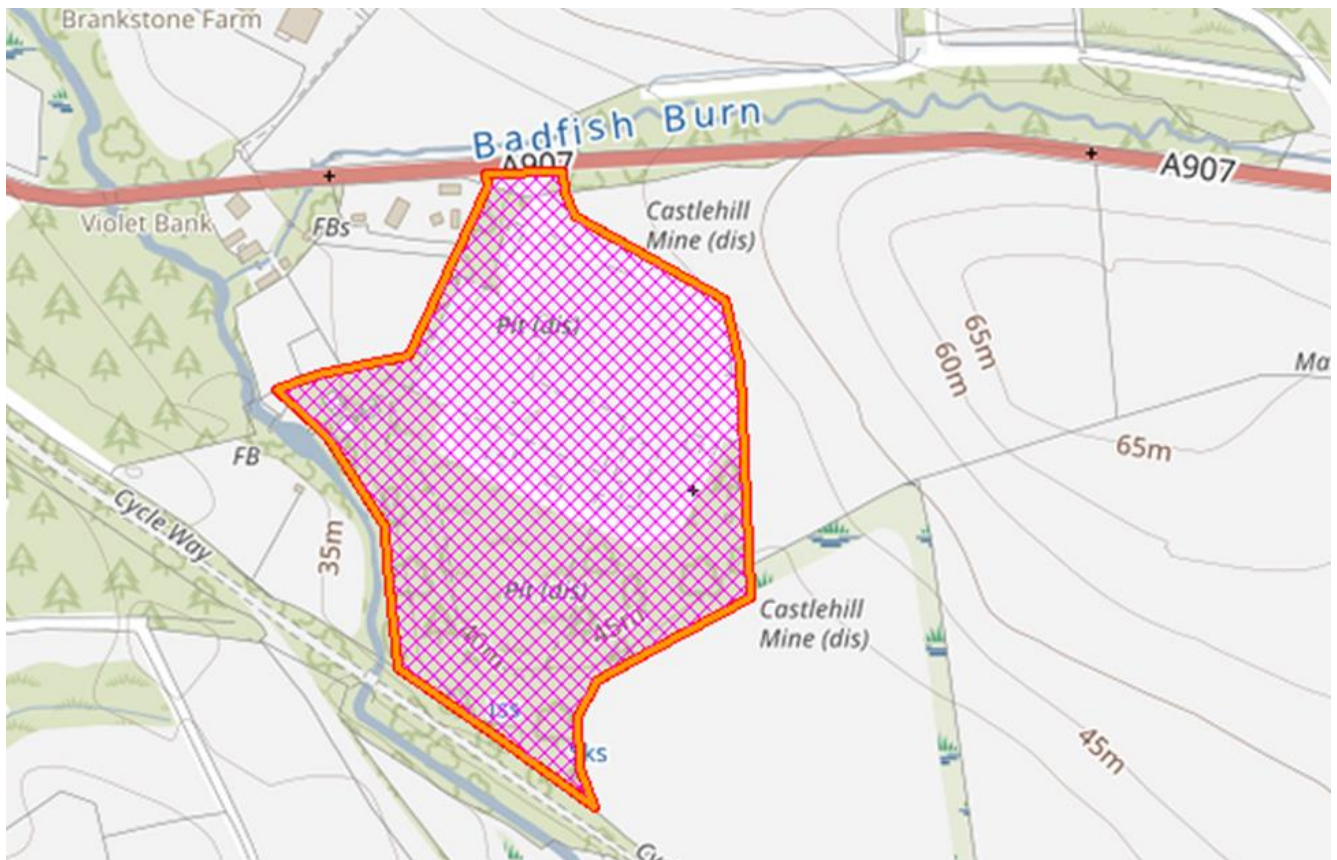
1.1 The Site

1.1.1 This application relates to a brownfield site within the former Castlehill Mine. The site encompasses approximately 6.4 hectares of former industrial land in the West Fife countryside, to the south of the A907 road between Blairhall and the Gartarry roundabout. The site is located outwith any designated settlement boundary and is located approximately 2.3 Kilometres to the west of the Blairhall settlement boundary as per the Adopted FIFEplan (2017) (LDP). Access into the site is taken from the A907 distributor road to the north. The site was previously a mine access site that served Longannet Power station with coal. The end of underground coaling in Fife has left this site as something of a relic of the area's mining heritage. While the site itself is brownfield in nature, it is surrounded by rolling mixed farmland and is bounded immediately to the south by the Millennium cycleway. All previous buildings on the site have been demolished and the site now comprises of concrete roads, hardstanding and grassed areas. A circular road is located around the site, with the land falling to the south-west toward the Bluther Burn. The south-east of the site is elevated above most of the surrounding area where a settlement pond for mine waste was previously situated. This feature appears to have re-naturalised and is covered in grassland. The site is surrounded by a woodland belt area, while to the east a farmer's field rises steeply away from the site, limiting views into the site from the A907 to the

east. The site is only glimpsed from the A907 through the former site entrance, as a row of hedges and trees exist along the rest of the road-side boundary.

1.1.2 A core path (R597 – Cycle Path) runs adjacent to the southern boundary of the site, whilst a fluvial flood risk area (1 in 10 years and 1 in 200 years) as per SEPA’s flood risk maps is located to the west of the site. The site is located within the outer zone of the Muirside Depot Explosives Facility Hazardous Site Consultation zone, is on potentially contaminated land due to the former coal mining use of the site and the majority of the site is located within a coal mining low risk area, however, small parts of the site are within a coal mining high risk area. Most of the land within the site is classified as a built-up area as per the James Hutton Institute, however, a part of the southern grass and woodland area is classified as prime agricultural land (Category 3.1). The woodland belt surrounding the site is not designated as ancient woodland, however, the woodland area located across the burn (approximately 130 metres to the west) is designated as an ancient woodland area (Castle Hill Long Established). There is also an ancient woodland area (Bath Morr Plantation) located across the A907 Road approximately 45 metres to the north-east of the site, as per NatureScot’s maps. There are no other significant natural or cultural heritage designations within the direct vicinity of the site, however, the Lockshaw Mosses SSSI is located approximately 651 metres to the north-east of the site, whilst the Castle Hill Enclosure Scheduled Ancient Monument is located approximately 553 metres to the west of the site. This proposal would have no significant impact on these designations due to the intervening woodland areas and distances involved, therefore, this report does not consider these further.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This application seeks full planning permission for a change of use of industrial land to holiday lodge/caravan park including siting of holiday lodges, associated retail unit (Class 1) and creation of a path link to the adjacent cycle path. The proposal would provide up to 100 timber clad lodges with each lodge accessed via the existing road with decking and two off-street parking spaces provided for each lodge. The land to the south-east and westerly corners would be planted and formed with footpaths to provide access to the cycle path to the south. The submission also advises that a small area of land on the north-west part of the site would remain open for potential visitor car parking. Landscaping in and around the proposed holiday site would include new tree belts and hedgerows with the existing trees to be retained. The proposed associated retail unit building would have a footprint area measuring approximately 165 square metres, would be approximately 5.1 metres high and would have a pitched roof and a timber clad finish.

1.3 Relevant Planning History

10/01554/PAN – A proposal of application notice for a sustainable residential development with internal roads structure planting and connection to cycleway was agreed on 26th May 2010.

10/04168/PPP - Planning permission in principle for residential development comprising 38 dwelling houses and 6 live/work units with associated landscaping was approved with conditions and subject to a legal agreement on 1st May 2012. The legal agreement required contributions toward local Affordable Housing and Education Provision, and provision of adequate visibility splays of 6 metres x 210 metres at the junction of the site access and the A907 road. This application was determined by the South-West Fife Area Committee.

15/00816/PPP - Planning permission in principle for residential development comprising 38 dwelling houses and 6 live/work units with associated landscaping (Section 42 to amend condition 5 of 10/04168/PPP) was approved with conditions and subject to a legal agreement on 12th November 2015. The legal agreement required the provision of 11 Affordable Housing Units onsite, a financial contribution toward educational provision of £2,400 per dwelling unit and the provision of visibility splays of 6 metres by 210 metres at the junction of the site and the A907 road.

23/02719/PAN – A proposal of application notice for change of use of former industrial land to holiday lodge/caravan park including siting of caravans and creation of path link along with associated infrastructure was agreed by this Planning Authority on 11th October 2023.

23/03494/SCR – An environmental impact assessment (EIA) screening opinion for proposed change of use of former industrial land to holiday lodge/caravan park including siting of caravans and creation of path link along with associated infrastructure was provided on 21st December 2023 and this Planning Authority determined that an EIA would not be required in this instance.

23/02886/EIA – Planning permission in principle with an environmental impact assessment for a major development of leisure and tourism, employment, retail, care village, residential, renewable energy, open space, landscape works, paths and associated works was determined at the West and Central Planning Committee on 26th June 2024 and was recommended for approval subject to conditions and a section 75 agreement. This recommendation was agreed by the Committee and the application is currently pending decision subject to a section 75 agreement being signed by all relevant parties. This site is located approximately 1.7 kilometres to the east of the application site and the proposal includes approximately 420 tourism lodges/chalets located to the north of the site.

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 As per Section 24 (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) where there is any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail. The Chief Planner's Letter dated 8th February 2023 also advises that provisions that are contradictory or in conflict would be likely to be considered incompatible.

1.4.3 This application would constitute a major development as per Class 9 (Other Development) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site area exceeds 2 hectares. This application is, therefore, classified as a Major development. The applicant has carried out the required pre-application consultation (ref: 23/02719/PAN) and a Pre-Application Consultation Report (Online Plan References: 16) outlining comments made by the public has been submitted as part of this application. The manner of the consultation exercise, including the notification and media advertisement process, complied with the relevant legislation.

1.4.4 The proposal would fall under Class 12 (Tourism and Leisure) (c) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and would have a site area which is more than 0.5 hectares. The proposal could, therefore, have an impact that would necessitate the need for an EIA Screening. A formal screening opinion application (23/03494/SCR) was made on 11th December 2023 and this Planning Authority determined on 21st December 2023 that an EIA was not required for this proposal. The screening opinion advises that an EIA is not required in this instance when taking into account the characteristics of the development, the environmental sensitivity of its location, the characteristics of its potential impact and the relevant EIA screening criteria. It should be noted, however, that this does not negate the requirement to fully assess the potential environmental impacts of the proposal through this planning application and several reports carried out by professional consultants have been submitted alongside this application. These include an ecological report, a flood risk assessment and drainage strategy report.

1.4.5 A physical site visit was not undertaken for this application; however, sufficient information including photographs of the site has been submitted to allow a full assessment of the proposal to be carried out. All other necessary information has been collated digitally and drone footage was produced in June 2024 to allow the full consideration and assessment of the proposal.

1.4.6 This application was advertised in The Courier newspaper on 8th February 2024.

1.5 Relevant Policies

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.

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 3: Biodiversity

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

Policy 29: Rural development

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

Policy 30: Tourism

To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

Policy 9: Brownfield, vacant and derelict land and empty buildings

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Policy 5: Soils

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

Policy 4: Natural places

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

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 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 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

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.

Policy 12: Zero Waste

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

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.

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 25: Community wealth building

To encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels.

Policy 27: City, town, local and commercial centres

To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

Policy 28: Retail

To encourage, promote and facilitate retail investment to the most sustainable locations that are most accessible by a range of sustainable transport modes.

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 7: Development in the Countryside

Outcome: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

Policy 5: Employment Land and Property

Outcomes: An increase in the percentage of settlements in Fife with a population of 5,000 or more which have an immediately available 7-year supply of employment land. Improved employment prospects. More opportunities for economic investment.

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.

Policy 6: Town Centres First

Outcome: Thriving town centres in Fife which are hubs of activity in the local community and act as a focus for commercial, leisure, and cultural services.

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 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.

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

PAN 1/2011: Planning and Noise

This PAN provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. It also advises that Environmental Health Officers should be involved at an early stage in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments.

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 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.

Planning Customer Guidelines

Fife Council's Minimum Distance between Windows Guidance (2011)

This guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

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

This guidance sets out that unacceptable impacts on light to nearby properties should be minimised and preferably avoided.

Other Relevant Guidance

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

This guidance provides advice to all stakeholders involved in the planning process in relation to flooding and surface water management requirements.

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Loss of Prime Agricultural Land
- Visual Impact
- Economic Benefits
- Amenity Impact
- Transportation/Road Safety
- Sustainable Transport and the Location of the Development
- Flooding and Drainage
- Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats and Biodiversity Enhancement
- Low Carbon, Sustainability and Tackling the climate and nature crises and Climate Mitigation
- Contaminated Land/Land Stability and Air Quality
- Archaeological Impact
- Hazardous Safeguarding Zone
- Waste Management

2.2 Principle of Development

2.2.1 Policies 1, 9, 27, 28, 29 and 30 of NPF4 and Policies 1, 6 and 7 of the LDP apply.

2.2.2 The site is designated with the LDP as 'Other Proposal' (LWD032) and this allocation states that a housing allocation incorporating environmental principles is anticipated subject to detailed assessment. The allocation also advises that a development brief for Fife Council approval is necessary, whilst a flood risk assessment requires to be undertaken on the site. The allocation also sets out Green Network Priorities and these include:

- Deliver a high-quality pedestrian and cycle route from the site to the West Fife way (National Cycle Network) which runs along the southern boundary of the site.
- Take suitable measures to protect the areas of woodland and wetland to the south of the site and incorporate as part of a recreational green network. Deliver a high-quality development frontage onto this green network.
- Provide a minimum 10m buffer between the areas of wetland and woodland and any development.

2.2.3 Fife Council's Tourism team advises that a development of this type in West Fife would be welcomed and as such has no objections to the proposal.

2.2.4 Policy 30 (Tourism) of NPF4 states that proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported. The current LDP advises under Policies 1 and 7 that development in the countryside will be supported where it is for a tourism use, whilst proposals that provide facilities for access to the countryside will also be supported, therefore, the current LDP identifies countryside locations as being potentially suitable for tourism uses and this type of development. A small ancillary retail unit with a retail floor area of approximately 96 square metres is also proposed and this would provide a bicycle rental area for the holiday site and also convenience offerings for residents. This small ancillary retail unit would, therefore, be considered acceptable as part of the overall tourism use and would have no significant impact on neighbouring village/town centres or local centres due to the small net retail area proposed and due to the fact that the retail unit would be ancillary to the proposed holiday site. This proposal would, therefore, accord with the above policies relating to development in the countryside as it would provide a facility for a tourism use which requires a countryside location and which provides facilities for access to the countryside. The proposal would also result in the redevelopment of a brownfield site which is supported by Policy 9 of NPF4, whilst the site is also allocated for development within the LDP as per allocation reference LWD032 (Other Proposal), therefore, the principle of development on this site is also supported by this allocation. The principle of this development within the countryside would, therefore, be acceptable and would comply with the Development Plan in this respect. The impact criteria associated with these policies and the LDP allocation including impacts on prime agricultural land, sustainability, visual impact, transportation/road safety, natural heritage, amenity and flooding and drainage impacts will be fully assessed throughout this report.

2.3 Loss of Prime Agricultural Land

2.3.1 Policies 1 and 5 of NPF4 and Policies 1 and 7 of the LDP apply.

2.3.2 Prime agricultural land (PAL) is defined in NPF4 and the LDP as land that is identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by the Macaulay Land Use Research Institute (now the James Hutton Institute). The NPF4 definition also states that land of lesser quality that is culturally or locally important for primary use (i.e. for

example food production, flood management, water catchment management and carbon storage should also be recognised in decision-making. Most of the land within the site is classified as a built-up area as per the James Hutton Institute's Land Capability for Agriculture (LCA) maps, however, a part of the grassed and woodland area within the southern part of the site is classified as PAL (Category 3.1). The proposal could, therefore, result in the loss of an area of approximately 1.09 hectares of PAL. It is noted that the proposed holiday site would be less permanent than most other development types and the land could potentially be returned to its former state, however, the proposal is not for a temporary use, therefore, the proposal could result in the permanent loss of this PAL and this must be assessed against the relevant policies within the Development Plan. Development is proposed on the small, grassed area to the south (approximately 3512 square metres) which is classified as PAL (Category 3.1); however, it is not considered that this would result in any significant loss of prime agricultural land as this area is a very small area of land which is isolated and land-locked between the woodland area and the hardstanding area of the site. This area has also not been historically farmed and the area is not considered to form part of an agricultural field. It should also be noted as per the James Hutton Institute that the LCA assessment was carried out in 1981 largely as a desk-based exercise using data collected between 1978 and 1981 and this mapping exercise was carried out at a national level. The LCA maps, therefore, sometimes include areas of land which are not agricultural land and are not capable of being farmed, for example, the A907 distributor road to the north-west of the site and the woodland areas surrounding the site are shown as PAL (Category 3.1). This proposal would, therefore, result in no significant loss of PAL. The proposal would, therefore, be acceptable in this instance and would comply with the Development Plan in this respect.

2.4 Economic Benefits

2.4.1 Policies 29 and 30 of NPF4 apply.

2.4.2 An Economic Impact Assessment report (EIA) has been submitted in support of this application. The EIA states that the development is of a scale which suggests the employment generating potential will not only benefit the West Fife area, but Fife as a whole and other areas in Scotland. It also advises that as a significant new capital investment, Castlehill Lodge Resort will create opportunities for supply chain benefits and the 'ripple effect' of the development is likely to support a range of local businesses, and potentially support new business activity. The EIA considers that the proposal can support the new National Strategy for Economic Transformation, notably around supporting an entrepreneurial culture by regenerating a brownfield and redundant asset, accessing the opportunities from entering the tourism sector, creating new jobs and skills and doing this in a sustainable manner which helps meet the just transition to net zero targets. The EIA advises that 106 person years of construction employment would be created by the proposal and assuming two-thirds of construction jobs would be taken by people in the region, this would equate to 71 person years of construction employment, generating £4.8 million for the local economy. The EIA also states that it is expected that visitors to Castlehill Lodge Resort will spend in the region of £3.8 million per annum in the wider economy as part of their trip to the local area, whilst, the proposal is estimated to create 65 additional job opportunities across the regional economy and that the onsite and offsite jobs generated by the development will inject approximately £1.54 million into the regional economy on an annual basis.

2.4.3 The EIA also states that there is a well-recognised, and evidenced, shortage of accommodation provision in this area, and the proposal which is unique in its offer would not compete with any other facilities in the local area. In fact, it will bring new tourists to the area, encouraging them to stay longer and spend more. Therefore, it will support the wide network of tourist activities and attractions on offer across West Fife, and Fife.

2.4.4 As noted in section 1.3 (Planning History) of this report of handling, an application for planning permission in principle (23/02886/EIA) for a leisure and tourism, employment, retail, care village, residential, renewable energy, open space, landscape works, paths and associated works was determined at the West and Central Planning Committee on 26th June 2024. This proposal includes approximately 420 tourism lodges/chalets located to the north of the site. The EIA does not, therefore, make reference to this development as the EIA report was produced in January 2024. This proposal could, therefore, compete with the holiday site proposed at Comrie Colliery should it proceed, however, the potential competition between businesses is not a material planning consideration and this proposed development would still result in some economic benefit to Fife.

2.4.5 The submitted information has demonstrated that the proposal would provide an economic benefit to Fife, and it is accepted that a development of this type would provide an economic benefit to the surrounding area through the guests of the holiday accommodation making use of local services and through the creation of jobs. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.5 Visual Impact

2.5.1 Policies 4, 14, 29 and 30 of NPF4 and Policies 1, 7, 10, 13 and 14 of the LDP and Making Fife's Places apply.

2.5.2 The application site is located within the countryside; therefore, consideration must be given to the proposal's wider and local impact on the surrounding rural area. A site layout, elevation drawings, landscaping plans and a Design and Access Statement (DAS) have been submitted in support of this application.

2.5.3 The submitted drawings show that the proposed holiday lodges would utilise timber cladding and would measure no more than 4 metres high with an internal height of 3.05 metres. The proposal would also make use of the existing ring road within the site with a new road formed to the south of this existing road. The lodges would follow the route of this road in a linear fashion, whilst a pond area with a fountain would be located centrally within the site with another similar pond area located to the south. Landscaping in and around the proposed holiday site would include new tree belts and hedgerows with the majority of existing trees to be retained. The proposed associated retail unit building would be located on the north-west part of the site and would have a footprint area measuring approximately 165 square metres, would be approximately 5.1 metre high and would have a pitched roof and a timber clad finish. A pedestrian/cycle path would also be formed to the south of the site, and this would link into the existing West Fife Cycleway which runs past the southern boundary of the site.

2.5.4 The submission and DAS includes a site analysis, site photographs, contextual drawings and visualisations which demonstrate how the proposal would sit on the site in relation to the surrounding rural area. The DAS includes drawings of the proposed holiday lodges and Computer-Generated Images (CGI) of parts of the site. The DAS advises that the timber style clad lodges are to be located in a manner to accommodate a landscaping scheme to encourage the natural aesthetics of the local landscape and to provide a natural visual and noise barrier to the surrounding land. It further advises that the proposed wooden exterior effect of the lodges has been chosen to create an attractive development in the rural environment, whilst the colours chosen will allow the lodges to blend in well to their surroundings and not appear as intrusive or dominant features. The DAS also advises that the site is well screened from public vantage points due to the existing planting which surrounds the site, whilst the existing landscape features are to be retained where possible, with new areas of proposed planting

provided around the periphery and within the site to allow the development to blend in well with the surrounding countryside.

2.5.5 Fife Council's Urban Design officer has raised no significant urban design concerns and advises that the proposal includes a scheme of landscaping which would help integrate the site into its landscape context

2.5.6 The submitted DAS demonstrates an understanding of the site and its historical context including the existing site conditions, whilst the design philosophy has been clearly articulated and this provides an understanding of the architectural form and history of the site and surrounding rural area in terms of the built and natural environment. The submitted information also demonstrates the potential visual impact that the proposal would have on the site and surrounding rural area and how the proposal would be accommodated within the site. It is considered that the submitted drawings demonstrate that the design of the proposal would be visually appropriate within the context of the surrounding rural area, whilst the proposal would not be easily visible from the surrounding public roads. The proposed buildings which would be single storey and would utilise finishing materials such as timber cladding would also be in keeping with other types of rural buildings within the surrounding area and would be visually appropriate within the context of this surrounding rural area. The proposed holiday development and associated infrastructure would, therefore, be visually acceptable in terms of its layout and proposed finishing materials. The proposed significant planting within and around the site and between lodges would also provide the site with the sense of being in a rural place and would help to visually blend the lodges into the existing surrounding woodland areas, whilst also helping to soften the impact of the development. The proposal would also result in the redevelopment of a brownfield site which is mostly a hardstanding area. A condition relating to the landscaping scheme including the timing of planting and planting maintenance is also recommended. The proposal would, therefore, be visually well contained within the site and would have no significant impact on the wider surrounding area. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.6 Amenity Impact

2.6.1 PAN (Planning Advice Note) 1/2011, Policies 23 and 30 of NPF4, Policies 1 and 10 of the LDP, Fife Council's Planning Customer Guidelines on Daylight and Sunlight, Fife Council's Minimum Distance between Windows Guidance and Fife Council's Policy for Development and Noise apply.

2.6.2 Daylight/Sunlight and Noise Impact

2.6.2.1 It is considered that the proposed holiday accommodation would be a fully compatible use with the surrounding area and would, therefore, have no significant detrimental noise impact on the site or surrounding area. The proposal would also have no significant impact on the daylight/sunlight levels or privacy levels of the surrounding area due to the distances involved and the fact that a woodland area is located between the site and the residential curtilages. The proposal would, therefore, have no significant impact on the amenity of the surrounding area in terms of daylight/sunlight impacts or noise impact and would comply with the Development Plan in this respect.

2.6.3 Light Pollution

2.6.3.1 It is considered that due to the location of the site and the distances involved that there would be no significant impact on any surrounding residential areas as a result of light pollution

from the proposal. The proposed and existing planting and trees and the intervening land and buildings would also provide mitigation against this. Any proposed external lighting could, however, impact on nearby habitats, therefore, a condition is recommended requiring the submission of lighting details and a lighting plan in this respect. This would also ensure that an acceptable lighting scheme is provided on site.

2.6.4 Construction Disturbance

2.6.4.1 It is considered that any construction disturbance caused as a result of the proposal would be temporary in nature and any developer should also work to the best practice contained in British Standard 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities". This is in order to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration in relation to construction works. It should also be noted that Fife Council's Environmental Health Public Protection team can address any complaints should they arise, and can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974. There would, therefore, be no significant impact on the surrounding area as a result of any associated construction works. A condition is, however, recommended requiring that a Construction Method Statement and Management Plan, including an Environmental Protection Plan and Scheme of Works are submitted for approval before any works commence on site. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in respect of impacts on the amenity of adjacent land uses.

2.7 Transportation/Road Safety

2.7.1 Policies 13, 14, 15 and 30 of NPF4, Policies 1 and 3 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.7.2 A Transport Statement (TS) has been submitted in support of this application. The TS sets out the historic uses of the site and considers the potential impact of the proposal on the surrounding public road network in relation to road safety. The TS has considered person trips, not car trips and covered access by all modes of transport including walking, cycling, public transport, and private cars. In terms of the access into the site, the TS advises that the previously used quarry entrance onto the A907 would be utilised, and that as the A907 is a single carriageway road subject to the national speed limit of 60 miles per hour, visibility splays of 6 metres ('X' distance) x 210 metres ('Y' distance) would be required in both directions at the junction of the access onto the A907 distributor road as per Fife Council's Transportation Development Management Guidelines. It further advises that visibility in both directions is currently limited by the vegetation on the verge, and this would have to be cleared to allow an eye height of 1.05 metres and maintained as such for the lifetime of the development. The TS does state, however, that where there is low traffic generation (as in this case) the 'X' distance may be reduced at the discretion of the Roads Authority, to as low as 2.4 metres. It further advises that a 7-day traffic speed survey was carried out in both directions on the A907 at the quarry entrance between 9th November and 16th November and this demonstrated that the 85th percentile speed west-bound was found to be 58 miles per hour and east-bound was 55 miles per hour. In terms of trips generated by the proposal and the capacity of the road network to accommodate this, the TS, using the industry standard Trip Rate Information Computer System (TRICS) advises that the peak vehicle trip generation of the proposal would not coincide with the AM and PM peaks on the A907, and it estimates that the proposal would generate a total of 18 two-way trips during 11 am to 12 noon (7 in and 11 out) and 3 pm to 4 pm (12 in and 6 out). The TS concludes that the trip generation associated with the proposal would not be significant and could be safely accommodated on the existing public road network.

2.7.3 Fife Council's Transportation Development Management team (TDM) has objected to the proposal in terms of its location and sustainable transport. TDM agree with the methodology used and the findings contained within the submitted TS in relation to road safety matters. TDM also advise that as the vehicle trip generation of the proposal would not be significant, that they would accept a reduction in the x-distance of the visibility splay from 6 metres to 3 metres at the junction onto the A907. They advise, therefore, that visibility splays of 3 metres x 210 would be required and they are satisfied that sufficient evidence has been submitted to show that this can be achieved and maintained for the lifetime of the development. They further state that the submitted site layout shows an acceptable parking layout within the site. They acknowledge that this application may be recommended for approval if the case officer considers that there are competing policies within NPF4 which outweigh Policy 13 and have, therefore, recommended conditions relating to visibility splays, off-street parking and shared path provision.

2.7.4 The information submitted has demonstrated that there would be no significant impact on the surrounding area in terms of road safety and the submitted drawings demonstrate an acceptable layout in terms of access and the provision of off-street parking on site. There is also capacity to accommodate the traffic generated by the proposal on the local road network. TDM have also raised no significant concerns with the methodology and findings of the TA in terms of the operational impact on the local road network. Conditions, as suggested by TDM, are also recommended regarding off-street parking, the provision of the required visibility splays and the shared path to the south. It is considered that a proposal could comply with these road safety conditions, therefore, there would be no detrimental impact on the site or surrounding area in terms of road safety. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.8 Sustainable Transport and the Location of the Development

2.8.1 Policies 1, 2, 13, 14, 15 and 30 of NPF4, Policies 1 and 3 of the LDP and Making Fife's Places Supplementary Guidance apply. The LDP allocation states that any proposal should deliver a high-quality pedestrian and cycle route from the site to the West Fife way (National Cycle Network) which runs along the southern boundary of the site.

2.8.2 The submitted TA has considered person trips, not car trips and covered access by all modes of transport including walking, cycling, public transport, and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport. The TS acknowledges that the A907 is not suitable for pedestrians and cyclists; that there are no existing bus services on the A907 fronting the site; the site is remote from the nearest bus stops and the site is remote from the nearest rail stations. It also advises that there are no existing pedestrian footways adjacent to the A907, however, the West Fife Cycleway passes by the south of the site, and the development proposes to connect into this cyclepath. This cyclepath provides a safe cycle route from Alloa to the west (5 miles) and Dunfermline to the east (7 and half miles), however, it is unlikely that this would be used by pedestrians due to the distances involved. The TS also states that the proposal would include approximately six hire bikes available to holiday site residents at the proposed site shop. The TS further advises that the developer/operator intends to operate a concierge service for residents where a bus could drop off and collect residents at the nearest bus stop. The service, which would have to be pre-booked (to ensure availability) would be offered several times a day. This service would also be available on a daily basis to transport guests to Culross to the south of the site. The TS considers how the proposal would comply with Policy 13 (Sustainable Transport) and Policy 30 (Tourism) of NPF4 and concludes that the proposed link to the West Fife Cycleway and the proposed concierge service contribute to meeting the policy requirements contained within these policies.

2.8.3 The submitted Planning Statement and other information advises that despite being located an unreasonable walking distance from the nearest bus stops, the applicant proposes to offer a bookable transfer service between public transport bus stops and the site using electric vehicles which the statement considers demonstrates the applicant's dedication to creating a sustainable tourism site. The submission also advises that this concierge service would also offer daily trips Culross to the south of the site allowing occupants of the holiday site to visit Culross via a sustainable means of transport. It also advises that this could be conditioned as part of any planning permission.

2.8.4 TDM has objected to the proposal in terms of its location and sustainable transport and advise that given the isolated rural location of the site it would be a significant challenge to provide evidence which demonstrates that the requirement to encourage, promote and facilitate sustainable tourism could be met. They do note that a link to the Dunfermline to Alloa Cycleway, a bus service, a cycle hire service and EV charging points are proposed within the site, however, they object to the proposal as it cannot comply with policy 13 (b) ii, iii, vi and (d) of NPF4.

2.8.5 It is relevant to note that a recent appeal decision (PPA-250-2392) dated 21st August 2023 for an extension to tourist, commercial and leisure development including 131 lodge style static caravan pitches and associated infrastructure on land at Northbank Farm, Lathlockar, St Andrews was allowed, and planning permission was granted subject to several conditions. This planning application (21/02819/EIA) was originally refused in the interests of road safety and sustainable travel and due to its visual impact on the surrounding rural area. The sustainable transport refusal reason stated that "the application site is located where more sustainable modes of transport (including public transport) are not readily and safely available necessitating the need for the use of private motor vehicles to access local amenities". The Reporter when assessing the location of the development commented in his report of handling that, "as Policy 30 of NPF4 supports extended tourist facilities in locations identified in a LDP and Policy 7 of the LDP supports development in the countryside which represents the extension of established businesses, the proposed development is consistent with the provisions of these overarching spatial objectives of the development plan. He considered that the accessibility of the proposal must therefore be seen in this context, along with the recognition in Policy 30 of NPF4 that account must be taken of the specific characteristics of the area: in this instance, a rural area. The Reporter, in this instance, therefore, placed weight on the LDP support for tourism development and the extension of established businesses within the countryside when assessing the proposed location of the development in relation to sustainable transport. Each case should be judged on its own individual merits; however, this appeal decision is considered relevant with regards to the implementation of Policy 13 and 30 of NPF4 and tourism development within countryside locations. The reporter, in this case, advised that more weight should be provided to Policy 30 (Tourism) of NPF4 than Policy 13 (Sustainable Travel) when assessing the expansion of a rural business and tourism development in the countryside which has support in principle.

2.8.6 The site is located within the countryside and approximately 2.3 Kilometres to the west of Blairhall, approximately 4.8 kilometres to the north-west of High Valleyfield, approximately 5.4 kilometres to the north of Culross and approximately 7 kilometres to the north-east of Kincardine Settlement boundaries as per the LDP. The West Fife Cycleway (Dunfermline – Alloa) is located directly to the south of the site. Policy 13 of NPF4 requires that proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area. However, Policy 30 of NPF4 states that proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported. This policy further states that tourism related development will only be supported in these locations where

they take into account opportunities for sustainable travel and scope for sustaining public transport services particularly in rural areas. The policy support for the principle of this tourism development within the countryside (see section 2.2 above), whereby the site is allocated for development, would result in the re-development of a brownfield site and is for a tourism development within the countryside, is therefore, a material planning consideration and the accessibility of the proposal within this rural area must be assessed within this context. Policy 30 of NPF4 does require that opportunities to provide access to the natural environment and for sustainable travel are investigated, and, in this case, the development proposes a connection to the West Fife Cycleway route to the south of the site and a daily bus service to pick up and drop off guests at surrounding bus stops and to transport guests to the Culross village to the south. It is considered, therefore, that the proposal would comply with Policy 7 of the LDP and Policy 30 (Tourism) of NPF4 which supports the principle of the development at this location with more weight being afforded to Policy 30 of NPF4 than Policy 13 in this instance.

2.8.7 It is considered that the submitted evidence demonstrates that the proposal has investigated opportunities for sustainable travel with the proposal providing a link to the existing cycle path to the south and a daily bus service which guests could make use of. EV parking spaces and bicycle hire facilities would also be provided on site. The countryside location of this proposal would, therefore, be acceptable as it is for tourism development on an allocated site which has taken into account opportunities for sustainable travel, which would result in the re-development of a brownfield site, and which provides access to the natural environment as required by Policy 30 of NPF4. Conditions are also recommended regarding the provision of the proposed cycle route and the bus service. The proposal subject to conditions would, therefore, be acceptable in this instance.

2.9 Flooding and Drainage

2.9.1 Policies 1, 2, 18, 20 and 22 of NPF4, Policies 1 and 3 of the LDP and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements apply. The LDP allocation states that a flood risk assessment (FRA) requires to be undertaken prior to the development of the site.

2.9.2 A flood risk assessment and drainage strategy report and drainage layout drawings have been submitted in support of this application. The submission provides information regarding flood risk, the proposed surface water drainage/SUDS scheme and also information relating to the proposed foul water drainage and water supply. The flood risk assessment considers all flood hazards at the site including tidal (negligible risk), fluvial (potential high risk), groundwater (very low risk) and drainage systems and surface water flooding (very low risk). The report advises that the risk of fluvial flooding poses the main risk to the lower lying areas of the site with Bluther burn flowing in a south-easterly direction to the south of the site. It advises that the majority of the site does not fall within the risk of fluvial flooding, and this includes all of the previously developed area, however, there is a small area to the south-west of the site that is shown to be at high risk of flooding. The report states that ground levels in this area are significantly higher than the adjacent watercourse as well as the remainder of the site and so this area of the site is also considered as being at low likelihood of flooding. The report concludes that the proposal would be at a low risk of flooding.

2.9.3 The drainage strategy report states that the proposed parking areas would be of a permeable finish, whilst the existing access road would be upgraded and where possible would be graded to fall into either an attenuation basin or conveyance swales. All proposed roof areas and the access would be served by a combination of conveyance swales and attenuation basins, whilst all surface water would pass through at least one SUDs feature before discharging to the water course to the west. The surface water would then discharge into a

wetland area that will allow the water to flow down the existing embankment through existing woodland into the watercourse. The report also advises that the runoff rate for the site would be restricted to 18l/s (4l/s for 4.5ha developable area) by using a vortex flow control device and outfall into the existing watercourse adjacent to the site. Two attenuation basins are proposed within the site, and these would be located within the central area of the site and one in the southern part of the site. These basins would store the surface water prior to discharge off-site. The foul drainage would be a traditional gravity fed piped system to a low point of the site and would also pass through a treatment plant before discharging into the adjacent watercourse.

2.9.4 Fife Council's Flooding, Shorelines and Harbours Team (FSH) initially requested further information regarding the surface water management plan including the independent check certificate to be signed by a professional with £5 million pounds indemnity insurance, a SEPA SIA tool and pre and post overland flow diagrams. This information was subsequently submitted, and FSH has no objections to the proposal in terms of flooding or the proposed surface water management proposals. Scottish Water also advises that it has no objections and has confirmed that there is currently sufficient capacity at Glendevon Water Treatment Works and the Valleyfield Waste Water treatment works to service the development, however, the applicant will have to apply to Scottish Water separately to gain approval to connect to these systems.

2.9.5 SEPA has advised that it has no objections to the proposal and agrees with the findings of the FRA. SEPA, therefore, considers that the site is not at risk of flooding and would comply with the relevant flood risk policies contained within NPF4.

2.9.6 A surface water management plan, flood risk assessment and drainage proposal have been submitted which demonstrate that an acceptable surface water management solution would be accommodated on the site and that the proposed development areas would not be located within a flood risk area. The proposal would also be connected to the public water supply network, and it should be noted that the applicant would need to submit a formal application to Scottish Water before proceeding with the development. There would, therefore, be no significant detrimental impact on the site or the surrounding area in terms of drainage/flooding as the proposal would be served by an acceptable surface water management scheme and would connect into the existing public water supply and would utilise an acceptable foul drainage solution. The proposal would therefore be acceptable and would comply with the Development Plan in this respect.

2.10 Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats and Biodiversity Enhancement

2.10.1 Policies 3, 4 and 6 of NPF4 and Policies 1 and 13 of the LDP apply. The LDP allocation states that the proposal should provide suitable measures to protect the areas of woodland and wetland to the south of the site and these should be incorporated as part of a recreational green network. It also states that a minimum 10 metres buffer between the areas of wetland and woodland and any development should be provided.

2.10.2 Trees

2.10.2.1 An arboricultural impact assessment (AIA) report along with a landscaping plan was submitted in support of this application. The AIA report states that all trees on or adjacent to the site were surveyed on 8th October 2022, and these were provided with retention categories and are set out within appendix 1 (Tree Schedule) of the AIA. Images of the surrounding trees were also submitted along with a Tree Location plan which shows the proposed development layout,

tree locations, their root protection areas and their canopy extents. The trees have also been allocated references when they are within groups or part of a woodland area. The report sets out that a small number of trees would be removed from the site including G1 north section (eight trees), G1 south edge section (approximately five trees), G3 (removal of all vegetation with no established tree stock in this area), G2 (two areas of approximately 200 and 250 square metres with tree stock being composed of young to semi mature trees) and W1 (two areas totalling 791 square metres with no significant established tree stock with trees in the young age class). The AIA report states that the majority of trees around the site can be retained with the only removal of established tree stock in the section of linear group G1 (circa 18 metres which would not impact upon the overall group retention (circa 110 metres). It also advises that no significant impacts would be placed upon the retained trees by the proposal if suitable methods are used as outlined in the AIA and this potentially includes a small area of initial hand digging and the use of cellular confinement systems. The report sets out how the proposed cycle path should be constructed on site and recommends that a 'no dig method' is used for the proposed cycle route which would be laid within the root protection areas of trees. The report further advises that protective fencing should be utilised, and specific detail regarding the necessary protective measures are provided. The report also recommends that replacement planting should be carried out on site to mitigate the loss of the existing trees and landscaping details have been submitted regarding this matter. The report concludes that the proposal should have no significant impact on the site in terms of trees lost and existing trees retained subject to the recommendations within it being carried out in full.

2.10.2.2 The submitted landscaping scheme shows that a number of trees (113 trees) would be planted in and around the site along with wildflower meadows, shrubs, aquatic planting and hedgerows. The proposed native trees would include small leaved lime, silver birch, downy birch, sessile oak, common alder, Scots pine, crab apple, wild cherry, common pear and rowan trees. The proposed non-native trees would include southern British tree species such as hornbeam, beech and the Scottish cultivar Dawyck beech.

2.10.2.3 Fife Council's Tree Officer (TO) initially requested further information on the distances between proposed lodges and the existing tree lines and also information with regards to the number of trees to be removed or the area in square metres of the trees to be removed. This was subsequently provided and the TO was reconsulted on this information. They now advise that that proposed removal of existing trees would be acceptable and would be adequately compensated for through the proposed landscaping scheme. The TO also concurs with the overall findings of the report and the proposed tree protection measures and therefore, has no objections subject to all recommendations made within the AIA being implemented in full.

2.10.2.4 The submitted layout shows that the development could be located on the site which would have no significant impact on existing trees. The majority of existing trees on site are to be retained and a landscape concept has been submitted which shows significant tree planting within the site. Conditions are also recommended with regards to the planting of the proposed trees and landscaping scheme and the recommendation contained within the AIA being carried out in full. The LDP allocation requires that a minimum 10 metres buffer is provided between the woodland and any development, however, the proposal would include lodges that are located between 6.5 metres and 8 metres of the woodland area. It is considered, however, that this 10-metre buffer requirement could be relaxed in this instance as the submitted evidence demonstrates that the site layout along with the recommended protection measures set out within the AIA would result in no detrimental impact on the adjacent trees and woodland area. The LDP also requires that suitable measures to protect the areas of woodland to the south of the site are incorporated as part of a recreational green network and it is considered that the proposal would comply with this LDP requirement. The proposal subject to these conditions, would therefore, be acceptable and would have no significant impact on the adjacent trees or woodland area.

2.10.3 Protected Species, Wildlife Habitats and Biodiversity Enhancement

2.10.3.1 An ecological appraisal report (EA) including a phase 1 habitat survey has been submitted in support of this application. The EA assesses the ecological value of the site and the potential of the site for protected habitats and species. The extended Phase 1 habitat survey advises that with the exception of the semi-mature trees in the north and the woodland areas to the south, as identified in the corresponding Arboricultural Impact Assessment, no habitats or plant species within the site were considered to be rare or in particular need of protection. The survey did not find any evidence of protected species within the site. It does recommend, however, that pre-construction checks should be carried out including repeated red squirrel drey checks, nesting birds checks and a pre-construction otter survey. It also recommends that all tree removal works are undertaken from October to January outside the red squirrel and bird breeding seasons and that a precautionary otter protection plan is put in place due to the proximity of the Bluther Burn. The EA provides a statement of biodiversity enhancement and sets out recommendations with regards to this including the planting of trees, shrubs, hedgerows and wildflower meadows as shown on the submitted landscaping plan. It also recommends that the proposed attenuation basins should have undulated edges to maximise the number of microhabitats, and as a safe access and egress route for animals, together with deeper areas for aquatic species, whilst the ponds should include aquatic planting. The other proposed biodiversity enhancement measures include the provision of hedgehog houses, bat boxes and bird nest boxes to be located around the site. The LDP allocation also requires that a minimum 10 metre buffer should be provided between the areas of wetland and any development. The submitted ecological information advises that the development footprint has maintained a buffer well in excess of 10 metres from the Bluther Burn and whilst the proposal would be located on the recent marshy grassland area to the south, the ecologist considers that this is very species poor and is not of sufficient biodiversity value to require protection. The ecological information also advises that the proposed biodiversity enhancement measures including the proposed SUDS ponds on the site would be sufficient to mitigate the loss of this marshy grassland area.

2.10.3.2 Fife Councils' Natural Heritage Officer (NHO) agrees with the findings of the report in relation to protected species and wildlife habitats, however, they advise that the landscape design should be re-visited, to ensure species choice is compatible with the intended planting locations (i.e. non-native specimens can be kept under a suitable management regime to prevent accidental spread) and a maintenance regime defined to ensure management controls are in place. A condition is recommended regarding this matter. The NHO also advises that while re-use of a brownfield site is considered appropriate, alignment (or not) to the open mosaic habitat (OMH) criteria needs to be clarified, to ensure that redevelopment the site is handled correctly. The agent's ecologist provided further information regarding this matter and the NHO has confirmed he has no objections to the proposal subject to conditions requiring that an updated landscaping scheme is submitted which takes cognisance of the fact that parts of the site may be OMH and which updates the landscaping specification and maintenance plan to remove the proposed non-native species which are prone to uncontrolled spread. He also requested that areas of bare ground be created and maintained within the wildflower meadows to ensure that bare ground/open mosaic, used by a variety of faunal species, can be maintained, thus guaranteeing no loss of habitat for such species as a result of the site redevelopment. Conditions are recommended regarding these matters.

2.10.3.3 It is considered that the submitted information demonstrates that the site can be developed with no significant impact on protected species, wildlife habitats or birds and the EA finding are accepted. The proposal would also be located more than 10 metres from the Bluther Burn as required by the LDP allocation and it is accepted that the grassy marshland area to the south of the site is not of significant ecological value as set out above. The site is, therefore,

considered to be of low ecological value and the proposal would result in a significant biodiversity enhancement at this location with no significant impact on the area in terms of natural heritage. Conditions are also recommended requiring that the recommendations contained within the EA are carried out in full, whilst as a precautionary measure, no works should be carried out during the red squirrel and bird breeding season. The proposal subject to conditions would, therefore, be acceptable in this instance.

2.11 Low Carbon, Sustainability and Tackling the climate and nature crises and Climate Mitigation

2.11.1 Policies 1, 2, 19 and 30 of NPF4, Policies 1 and 11 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.11.2 The submission includes an energy statement of intention (ESI), however, it should be noted that the proposed lodges would meet the definition of a caravan as contained within the Caravan Sites Act 1968 (as amended). Caravans are not considered to be buildings under planning law and are exempt from the building regulations through Regulation 3 (Schedule 1, Type 12) of the Building (Scotland) Regulations 2004 (as amended), meaning the proposed lodge style caravans are exempt from the requirement to incorporate low carbon generating technologies. The EIS advises that to ensure the delivery of an energy efficient and sustainable development, the 'Lean, Clean, Green' energy hierarchy will be adopted. This fabric-first approach will be applied to reduce energy demand before considering the use of Low and Zero Carbon Generating Technologies. The report outlines these principles as well as other sustainability considerations. The report states that a 'fabric first' approach to building design will be pursued and this involves maximising the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems. It advises that this would reduce capital and operational costs, improve energy efficiency, and reduce carbon emissions whilst reducing ongoing maintenance costs. The report further advises that the proposed building will utilise sustainable materials and will also utilise offsite modular construction, which is recognised as more carbon efficient when compared to traditional construction methods, whilst the project will endeavour to use local supplies and also factor in materials with re-cycled content so as to avoid virgin materials.

2.11.3 The report also sets out recommended energy generating technology measures which could be utilised within the proposal including solar panels, air source heat pumps, ground source heat pumps and waste or wastewater heat recovery systems. The ESI concludes that the adoption of the strategies outlined within the report will ensure that the project complies with Section 6 Building (Scotland) Standards and the 20% reduction in CO₂ emissions as well as satisfying the requirements of FIFEplan Policy 1 and NPF4 Policies 1, 2 and 11. The application site is also located more than one kilometre from a district heating network; therefore, it does not have to investigate the feasibility of connecting to an existing or proposed district heat network. The matters relating to sustainable transport and the location of the development have also been fully outlined and assessed under section 2.7 of this report and the location of the development is considered to be acceptable for a proposal of this type.

2.11.4 Sufficient information has been submitted to demonstrate that the proposal could incorporate energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. Conditions are also recommended requiring that full details of all proposed energy generating technologies and measures are submitted for approval before any works commence on site. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.12 Contaminated Land, Air Quality and Land Stability

2.12.1 Policies 9 and 23 of NPF4, Policies 1 and 10 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.12.2 Fife Council's Land and Air Quality (LQ) Team has no objections subject to conditions relating to the provision of a contaminated land preliminary risk assessment. Conditions are recommended regarding this matter. The proposal, subject to these conditions would, therefore, have no significant impact on amenity in relation to contaminated land and would comply with the Development Plan in respect.

2.12.3 An air quality impact assessment has been submitted in support of this application. The AQI assesses the air quality impacts of the development during the construction and operational phases. The AQI states that the proposal could result in dust nuisance during the construction phase, however, the risk of dust nuisance can be mitigated by implementing the recommended mitigation measures which are set out in appendix D of the report. It is considered that these measures could be incorporated into the required Construction Method Statement and Management Plan (see section 2.6.4 – Construction Disturbance of this report) and a condition is recommended regarding this matter. The AQI concludes that a more detailed air quality impact assessment is not required, and the proposal would have no significant impact on the surrounding area in terms of air quality impact. The LQ Team agrees with the findings of this assessment. The proposal subject to conditions would therefore have no significant detrimental impact on air quality and would comply with the Development Plan in this respect.

2.12.4 The site is located within a coal mining high risk area; therefore, a coal mining risk assessment has been submitted. This advises that there are two recorded mine entries within the application site boundary and that an untreated mine entry and its resultant zone of influence pose a significant risk to the development. The Coal Authority was consulted and requested further information with regards to this matter. Further evidence was submitted, and this shows that proposal would avoid both these coal mining hazards. The Coal Authority was re-consulted and confirmed it has no objections to the proposal based on the submitted evidence. The proposal would, therefore, be acceptable with regards to unstable land and would comply with the Development Plan in this respect.

2.13 Hazardous Safeguarding Zone

2.13.1 Policy 23 of NPF and Policies 1 and 5 of the LDP apply.

2.13.2 This site is located within the outer zone of the Muirside Depot Explosives Facility Hazardous Site Consultation zone. The Health and Safety Executive (HSE) was, therefore, consulted on this application as it could be at risk from this explosive's facility. The HSE advise that it has no objections to the proposal. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.14 Waste Management

2.14.1 Policy 12 of NPF and Policies 1 and 10 of the LDP apply.

2.14.2 A waste management statement (WMS) has been submitted in support of this application. This advises that each lodge would have storage space for seven days output of waste and at least 60% of the storage capacity would be for recyclable materials. The WMS

further advises that there would be a further communal refuse collection area to the north-west area of the site, and this would have weekly collections by a commercial contractor appropriately licensed to remove the waste.

2.14.3 The submitted information demonstrates that there is sufficient space within the curtilage of the proposed site to accommodate the required bin storage facilities and the residents of the holiday lodges and users of the café would be expected to use these waste management facilities. It is considered, therefore, that the proposal would have no significant impact on the surrounding area in terms of littering and would be acceptable in terms of the proposed waste management scheme. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

3.0 Consultation Summary

Scottish Water	No objections
TDM, Planning Services	Object
Community Council	No response
The Coal Authority	No objections
Parks Development and Countryside - Rights of Way/Access	No response
Strategic Policy and Tourism	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 subject to conditions
Structural Services - Flooding, Shoreline and Harbours	No objections
Transportation And Environmental Services - Operations Team	No response
Scottish Environment Protection Agency	No objections
The Coal Authority	No objections

4.0 Representation Summary

4.1 No representations have been received in relation to this application

5.0 Conclusions

The proposal would be for a tourism development on an allocated site which also provides facilities for access to the countryside, and which would result in the re-development of a brownfield site, therefore, the principle of this proposal within the countryside would be acceptable and would comply with the Development Plan. The proposal subject to conditions would also be compatible with its surrounds in terms of land use and would result in no significant detrimental impacts on the surrounding area in terms of natural heritage, transportation/road safety, amenity, contaminated land, land stability, air quality, sustainability or in terms of its visual and landscape impact. The proposal would also bring about a biodiversity enhancement and economic benefits to the area and would result in the redevelopment of a brownfield site. The proposal would not strictly comply with Policy 13 of NPF4 as it would result in a travel generating use which could increase reliance on the private car, however, it is considered that as the principle of this tourism development would be acceptable at this location as per Policy 7 of the LDP and Policy 30 of NPF4 and as there would be other significant benefits associated with the proposal such as biodiversity enhancement, economic benefits and redevelopment of a brownfield site, that Policy 13 is outweighed by these considerations. The proposal overall would, therefore, be acceptable subject to conditions.

6.0 Recommendation

It is accordingly recommended that the application be approved subject to:

- A. The conclusion of a legal agreement to secure; the holiday accommodation, hereby approved, shall be used as holiday accommodation only, shall not be sold or let as a permanent dwellinghouse and shall not be occupied for a continual period of more than 12 continuous weeks in any calendar year.
- B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement
- C. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

and the following conditions and reasons:

PRE-COMMENCEMENT CONDITIONS:

1. 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.

2. BEFORE ANY WORKS COMMENCE ON SITE; a Construction Method Statement and Management Plan, including an Environmental Protection Plan and a Scheme of Works to mitigate the effects on sensitive premises/areas from dust, noise and vibration relating to construction activities on site, shall be submitted to and approved in writing by Fife Council as Planning Authority. All construction works shall then be carried out in full accordance with any approved details.

Reason: In the interests of safeguarding amenity.

3. BEFORE ANY WORKS COMMENCE ON SITE; full details of the proposed energy generating technologies (including 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 full accordance with these approved details.

Reason: In the interests of sustainability; to ensure the development complies with Policy 11 of the Adopted FIFEplan (2017) and Policies 1 and 2 of National Planning Framework 4 (2023).

4. The construction of the development shall be carried out fully in accordance with the recommendations contained within the submitted Arboricultural Impact Assessment Report (Plan Reference 20) and as per the tree protection plan contained within this document. This Planning Authority shall be formally notified in writing of the completion of the required tree protection measures and NO WORKS SHALL COMMENCE ON SITE until this 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 trees.

5. BEFORE ANY WORKS COMMENCE ON SITE; full details of the required habitat enhancement measures including bat roost boxes, hedgehog houses and bird nest boxes, as set out in the submitted Ecological Appraisal report (Plan Reference 38) shall be submitted to and approved in writing by Fife Council as Planning Authority. These details shall include a site plan showing the location of each measure and a manufacturer's brochure or drawing of each measure. Thereafter, the development shall be carried out fully in accordance with these approved details and the measures shall be provided BEFORE THE DEVELOPMENT IS OCCUPIED unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of ecological enhancements.

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

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

7. BEFORE ANY WORKS COMMENCE ON SITE INCLUDING TREE REMOVAL AND VEGETATION CLEARANCE WORKS; repeated red squirrel drey checks, nesting bird checks, and a pre-construction otter survey shall be carried out by a qualified ecologist as set out within the approved Ecological Appraisal Report (Plan Reference 38). Full details of these checks and surveys shall be submitted to and approved in writing by Fife Council as Planning Authority BEFORE ANY WORKS COMMENCE ON SITE. Thereafter, the development shall be carried out fully in accordance with these approved details

Reason: In the interests of species and habitat protection.

8. BEFORE ANY WORKS COMMENCE ON SITE; an otter protection plan including precautionary mitigation and prevention measures shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the development shall be carried out fully in accordance with these approved details

Reason: In the interests of species protection.

CONDITIONS:

9. 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 1. 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.

10. 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.

11. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; visibility splays 3 metres x 210 metres shall be provided and maintained clear of all obstructions exceeding 1.05 metres in height above the adjoining road channel level, at the junction of the vehicular access and the A92 Trunk Road. The visibility splays shall be retained through the lifetime of the development.

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

12. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; the shared path between the site and the Dunfermline – Alloa Cycleway, as shown on the Proposed Site Plan (Plan Reference 03A), shall be completed and made available for public use. The shared path shall be a minimum width of 3 metres. The path shall then be retained through the lifetime of the development.

Reason: To ensure the provision of adequate active travel provision.

13. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE: the off-street parking provision, including cycle, electric vehicle (EV) charging and visitor and staff parking spaces, as shown on the approved site plan drawing (Plan Reference 03A) shall be provided and made available for public use. A minimum of 2 EV charging points shall be provided within the car park. The parking spaces shall be retained through the lifetime of the development.

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

14. The biodiversity enhancement recommendations contained within the approved Ecological Appraisal report (Plan Reference 38) shall be carried out in full BEFORE THE DEVELOPMENT IS BROUGHT INTO USE and maintained as such for the lifetime of the development.

Reason: In the interests of biodiversity enhancement

15. The daily bus service as set out within this submission shall be retained for the lifetime of the development unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of sustainability; to ensure the provision of a sustainable travel method.

16. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; full details of any associated proposed lighting scheme shall be submitted to and approved in writing by Fife Council as

Planning Authority. The submitted scheme shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting and shall demonstrate that this will have no detrimental impact on any neighbouring public roads, sensitive properties or adjacent sensitive habitats with regards to light spillage and glare. The lighting scheme shall include lighting mitigation and shall utilise the methods recommended in the Institute of Lighting Professional's Bats and Artificial Lighting Guidance Note (ILP, 201833) or any subsequent revision. These methods shall include using directional and or baffled lighting, variable lighting regimes, avoidance of blue-white short wavelength lights and high UV content or creation of light barriers utilising hedgerows and tree planting. Thereafter, the lighting shall be installed and maintained in accordance with the manufacturer's specification and approved details.

Reason: In the interests of safeguarding the amenity of the surrounding area and species protection.

17. 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.

18. No tree works, or vegetation clearance shall be carried out during the bird breeding and red squirrel seasons which is February to September (inclusive) unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of species protection.

19. The holiday accommodation, hereby approved, shall be used as holiday accommodation only, shall not be sold or let as a permanent dwellinghouse and shall not be occupied for a continual period of more than 12 continuous weeks in any calendar year.

Reason: In order to ensure that proper control is retained over the development and that the site does not become permanent residential accommodation.

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 and Legislation

PAN (Planning Advice Note) 1/2011

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Low Carbon Supplementary Guidance (2019)

Making Fife's Places Supplementary Guidance (2018)

Planning Policy Guidance, Customer Guidelines and Other Guidance

Policy for Development and Noise (2021)

Planning Customer Guidelines on Daylight and Sunlight (2018)

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

Report prepared by Scott Simpson, Chartered Planner

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

Committee Date: 28/08/2024

Agenda Item No. 5

Application for Full Planning Permission **Ref: 24/00203/FULL**

Site Address: Land West of Muirhead Farm Muirhead Lochgelly

Proposal: Erection of six dwellinghouses (Class 9) and associated development including formation of vehicular access

Applicant: Victoria Lawrence Developments Ltd, C/o Derek Scott Planning 21 Lansdowne Crescent

Date Registered: 13 February 2024

Case Officer: Brian Forsyth

Wards Affected: W5R09: Burntisland, Kinghorn and West Kirkcaldy

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

Summary Recommendation

The application is recommended for: Refusal

1.0 Background

1.1 The Site

1.1.1 The site relates to an approximately 2.74 hectare area stretching along the south side of the C48 Shawsmill Road, approximately 1.5 kilometres east of its junction with the A92. Its western part incorporates woodland. Towards its centre, it is vacant, having been partially infilled with rubble. Stretching east from its centre, it incorporates a single-storey detached house (The Bungalow) and a large single-storey detached domestic garage, then a one and three-quarter storey house (Muirhead Steadings) served by the aforementioned domestic garage. The site is surrounded by agricultural land and woodland, including across Shawsmill Road (there is woodland on the Ancient Woodland Directory across the road, approximately 180 metres from the site), except towards the aforementioned centre, where it is separated from Shawsmill Road by two single-storey semi-detached houses (Muirhead West Cottage and Muirhead East Cottage) with direct access from the road; and adjoining to the east by the two-storey Muirhead Farmhouse, also with its own access off Shawsmill Road. The site, including The Bungalow and Muirhead Steadings, are accessed off Shawsmill Road at a point to the east of the cottages.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 The application is for erection of six detached five/six-bedroomed one and three-quarter storey houses (Class 9) towards the middle of the site, with associated development and landscaping. Two of the houses would sit alongside Shawsmill Road, between the existing cottages on one side and, on the other, The Bungalow and aforementioned domestic garage. The other four houses would sit to the rear. The proposed houses, The Bungalow, and Muirhead Steadings, would be accessed via a new private access road off a new point to the west of the existing cottages, with the existing site access stopped up. In order to facilitate the proposals, felling of 38 trees within the abovementioned woodland part of the site will be required.

1.3 Relevant Planning History

1.3.1 The following relevant planning history is listed in the Council's electronic register: -

14/00026/FULL Erection of 8 Chalets and Manager's House with ancillary Reception/Office and formation of access road with other engineering operations. Permitted with conditions on 2 December 2015.

18/03432/FULL Erection of 8 Chalets and Manager's House with ancillary Reception/Office and formation of access road with other engineering operations (Section 42 Application to vary Condition 4 of planning permission reference 14/00026/FULL relating to timescale for planting). Permitted with conditions 17 January 2019. The applicant understands this permission to be extant, however site inspection and review of the case file confirm this is not the case.

21/00087/PPP Planning permission in principle for erection of dwellinghouse and associated access. Permitted 6 May 2021.

24/01095/ARC Approval of matters specified in conditions of planning permission in principle 21/00087/PPP for erection of dwellinghouse and associated access. Pending consideration.

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 the National Planning Framework 4 (2023) (NPF4) and FIFEplan Local Development Plan (2017) (FIFEplan) and Supplementary Guidance.

1.4.2 The site was last visited by the case officer on 20 June 2024.

1.4.3 Notice of the application was published in The Courier on 14 March 2024, inviting representations by 4 April 2024.

1.5 Relevant Policies

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.

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 3: Biodiversity

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

Policy 4: Natural places

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

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 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 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.

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 17: Rural Homes

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

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 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.

Policy 7: Development in the Countryside

Outcome: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

Policy 8: Houses in the Countryside

Outcome: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

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 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 Guidance and Legislation

The Scottish Government's Policy on Control of Woodland Removal (Forestry Commission, 2009)

Scottish Government's Policy on Control of Woodland Removal: Implementation Guidance (Forestry Commission, 2019)

Scottish Government Planning Guidance: Local living and 20-minute neighbourhoods (2024)

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.

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; and requirements for air quality assessments.

Planning Customer Guidelines

Garden Ground

Trees and Development

Minimum Distances between Window Openings

Daylight and Sunlight

Other Relevant Guidance

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

Fife Forestry & Woodland Strategy 2013-18 (2013)

2.0 Assessment

2.1 Relevant Matters

2.1.1 NPF4 states that a plan-led approach is essential to supporting the delivery of Scotland's national outcomes and broader sustainable development goals.

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Water Management
- Ground Conditions
- Natural Heritage and Trees
- Sustainable Construction

2.2 Principle of Development

2.2.1 The provisions of NPF4 policies 1, 13, 14, 16 and 17 and FIFEplan Policies 1, 7 and 8 all apply in so far as they relate to the principle of housing in such a countryside location. Scottish Government Planning Guidance: Local living and 20-minute neighbourhoods (2024) also applies.

2.2.2 Amongst the representations in support, it is contended that the proposals would provide much needed and sought after housing, especially at a time of recognised housing need in Fife; that the proposals would provide a type of housing for which there is a significant need and demand due in no small part to the significant undersupply existing; that they represent an appropriate infilling of and addition to the existing housing cluster; that the site is well located in terms of its relationship to Lochgelly, Cowdenbeath and Kirkcaldy, and is easily accessible from the A92, providing easy and direct access to the motorway network.

2.2.3 Planning Services' Transportation Development Management team (TDM) notes that NPF4 policy 13 addresses sustainable transport and states development proposals will be supported where it can be demonstrated that they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks and will be accessible by public transport, ideally supporting the use of existing services. TDM considers that the remote location of the site means that trips by private cars would represent nearly all the person trips by prospective residents and their visitors; as there are no surfaced and lit pedestrian routes between the site and the surrounding area, the site is remote from the nearest settlements, the C48 is not a road that would be attractive for use by recreational cyclists and is completely unsuitable for children to cycle on, and that no bus services operate on the C48. Taken together, TDM states this means there are no sustainable or public transport options for prospective residents or their visitors. TDM states it has significant concerns regarding the lack of sustainable travel options for the prospective occupants and their visitors and that, therefore, the proposal does not comply with policy 13 of NPF4.

2.2.4 The site is within an area of countryside in terms of FIFEplan, a rural area in terms of NPF4. In terms of the relevant provisions of FIFEplan policy relating to the principle of housing in such countryside locations, it is accepted that there is some support for housing, being within a clearly defined gap within an established and clearly defined cluster of five or more houses in very close proximity to one another (The Bungalow, Muirhead Steadings, Muirhead Farmhouse, and the two cottages), having built development on at least two sides (the cottages, Shawsmill Road, the domestic garage, and The Bungalow), and forming a continuous and interconnected grouping. However, it is also a requirement of these provisions that development is compatible in scale with the existing situation; the quantum of development proposed in this case, i.e. a doubling of the number of houses within the grouping to provide relatively large five/six-bedroom houses, is considered incompatible with the existing situation in terms of scale. As such, the proposals are considered contrary to the provisions of FIFEplan relating to the scale of such development in the countryside and to corresponding provisions for rural areas in NPF4.

2.2.5 Collectively, NPF4 policies 1 Tackling the climate and nature crises, 14 Design, quality and place, 15 Local Living and 20-minute neighbourhoods, 16 Quality homes and 17 Rural homes support the development of sustainable places where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by sustainable and active travel methods ('20 minute neighbourhood' principle, referring to a desirable threshold 20-minute return walking period); with proposals for new homes on land not supported by the LDP only supported in limited circumstances where, amongst other things, the proposal is consistent with the aforementioned provisions in relation to local living and 20-minute

neighbourhoods. NPF4 policy 13 adds that proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the special characteristics of the area. As such, noting that the quantum of the proposals here is not supported in terms of FIFEplan (2.2.4 above refers), concurring with the views of TDM (2.2.2 above refers), and taking into account that the return walking periods to Lochgelly and Cardenden would be as long as around 60-minutes, the proposals are not supported by these NPF4 policies relating to sustainable places, local living, and 20-minute neighbourhoods.

2.2.6 In relation to the submitted representations, it should be noted that a generous land supply exists within Fife which exceeds the 'MATHLR' figures set by NPF4 and the draft 'LHLR' set by the Evidence Report for Fife (Central and South) for the new Local Development Plan 2. The stated relationship with surrounding settlements and the motorway network is noted, but it is not considered this is a material consideration to which any significant weight should be attached, rather the spatial planning merits of the proposals in this location should be considered in the terms set out in para. 2.2.5 above.

2.2.7 In light of the above, the proposals are considered contrary to the above provisions of policy and guidance relating to the principle of development.

2.3 Design and Layout / Visual Impact

2.3.1 The relevant provisions of NPF4 policies 14, 16, 17 and 29, and FIFEplan Policies 1, 7, 8, 10 and 13 apply. The Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.3.2 Amongst the representations in support, it is contended variously that the proposals are attractively designed and will be visually well-integrated into their setting.

2.3.3 It is considered that the proposed built form, in terms of the individual houses and collectively, being relatively large five/six-bedroomed one and three-quarter storey houses, would read as overscaled in relation to the adjacent, more modest single-storey houses. While it is noted that elements of the design and some materials choices have been informed by the rural vernacular and surrounds, it remains of significant concern that the overall design and layout would read as a small mainstream suburban housing development in the context of an existing informal rural housing group and would be out of keeping with the rural character of the area.

2.3.4 In light of the above, and notwithstanding the representations in support, it is considered that the proposals would have a significant adverse impact on landscape character and visual amenity generally, contrary to the relevant provisions of the above policy and guidance in relation to design and layout / visual impact.

2.4 Residential Amenity

2.4.1 The relevant provisions of NPF4 policy 14 and FIFEplan Policies 1 and 10 apply. Fife Council Planning Services Garden Ground, Minimum Distances between Window Openings, and Daylight and Sunlight, Customer Guidelines also apply.

2.4.2 The proposals meet the thresholds and targets in the above Customer Guidelines. Also, there are no upper floor windows serving habitable rooms that would be within nine metres of the boundary with an existing neighbouring residential property. As such, it is considered that the proposals accord with the provisions of policy and guidance in relation to residential amenity.

2.5 Transportation/Road Safety

2.5.1 The relevant provisions of FIFEplan Policies 1 and 3 and Making Fife's Places Supplementary Guidance (2018) apply.

2.5.2 Three of the representations in support welcome the proposal for a replacement access on road safety grounds, one stating there have been a number of near misses in recent years.

2.5.3 Planning Services' Transportation Development Management team (TDM) raises objection in relation to the intensification of vehicle movements onto an unrestricted distributor road outwith an established built-up area that would result from the proposals. TDM explains that the built-up area, from a transportation point of view, is defined as the area within a 20, 30 or 40mph speed limit; the reason for this policy being that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. TDM confirms that the proposed visibility splays meet with or are acceptable in terms of the relevant standards.

2.5.4 Whilst it is acknowledged that the proposals would see two existing properties (The Bungalow and Muirhead Steadings) benefit from an access which meets the relevant geometry and visibility standards, it is noted that TDM considers the overall proposals would be to the detriment of road safety because of the intensification of vehicle movements associated with six additional houses off the proposed access point. Taking into account the views of TDM and the scale of the proposals (see 2.2.4 above), it is considered the proposals would give rise to an excessive intensification of vehicle movements onto Shawsmill Road, an unrestricted distributor road, constituting a significant adverse impact on road safety, contrary to the relevant provisions of the above policy and guidance in relation to transportation/road safety.

2.6 Flooding and Water Management

2.6.1 The relevant provisions of NPF4 policy 22 and FIFEplan Policies 1 and 12 apply. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) also applies.

2.6.2 The site is not shown as subject to flood risk in the Scottish Environment Protection Agency (SEPA) flood maps. Scottish Water raises no objection in relation to the availability of a potable public water supply or otherwise. The Council's Flooding, Shoreline and Harbours team raises no objection in relation to flooding but raises holding objection in relation to surface water management in the absence of certain information. The case officer also notes that the usual ground investigation report in support of soakaway test results has not been submitted.

2.6.3 In the absence of the above further information, the proposals stand to be considered contrary to the above provisions of policy and guidance in relation to flooding and water management.

2.7 Ground Conditions

2.7.1 The relevant provisions of NPF4 policy 14 and FIFEplan Policies 1 and 10 apply.

2.7.2 A Coal Authority Ground Stability Report and a Coal Mining Risk Assessment have been submitted. The Council's Land & Air Quality team raises no objection subject to a standard condition in relation to unexpected materials and conditions being encountered. The Coal Authority raises no objection subject to their standard recommended condition and informative.

2.7.3 Subject to the above recommended conditions and informative, the proposal is considered to accord with the above provisions of policy and guidance in relation to ground conditions.

2.8 Natural Heritage and Trees

2.8.1 The relevant provisions of NPF4 policies 1, 3, 4, 6 and 20 and FIFE Policies 1 and 13 apply. In particular, it should be noted that NPF4 policies 1 and 6 state that significant weight is to be given to the global climate and nature crises; with proposals involving fragmenting or severing of woodland habitats not to be supported unless appropriate mitigation measures are identified and implemented in line with the mitigation strategy; proposals for woodland removal only supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Making Fife's Places Supplementary Guidance (2018), Fife Forestry and Woodland Strategy 2013, and Fife Council Trees and Development Planning Customer Guidelines are also relevant here.

2.8.2 The Scottish Government's Policy on Control of Woodland Removal (2009) and the Scottish Government Policy on Control of Woodland Removal: Implementation Guidance (2019) are also relevant here. Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected. The additional public benefit scenarios are where proposals would *contribute significantly* to:

- helping Scotland mitigate and adapt to climate change;
- enhancing sustainable economic growth or rural/community development;
- supporting Scotland as a tourist destination;
- encouraging recreational activities and public enjoyment of the outdoor environment;
- reducing natural threats to forests or other land; or
- increasing the social, economic or environmental quality of Scotland's woodland cover.

2.8.3 In order to facilitate the proposals, felling of 38 trees within the woodland area within the western part of the site will require to be felled.

2.8.4 A number of the representations in support of the proposals welcome the attention to biodiversity.

2.8.5 Planning Services Natural Heritage Officer, considering biodiversity in the round, notes that an ecological assessment, tree survey/arboricultural constraints report, and arboricultural impact assessment/tree protection plan have been submitted. He notes that the submitted planning statement proposes a woodland management plan to enhance the site resource, once

38 trees within the woodland area to the west of the site have been removed to facilitate the development, and that the applicant has proposed this be secured by condition. He notes that the ecological assessment indicates a low potential for any impacts to the wildlife of the application area as a result of the proposals. The officer raises no objection to the proposals, recommending that the compensatory planting and other mitigation measures presented should be secured as described. Proposed landscaping plans with planting specifications, etc. have since been submitted as part of the application process, with which the officer raises no concerns.

2.8.6 Planning Services' Tree Protection Officer describes the area of woodland in question as forming part of a green habitat network, within an area recognised for habitat connectivity of wetland, grassland, and woodland/ancient woodland dispersal, stretching from the Gelly burn to the abovementioned woodland on the Ancient Woodland Inventory. The officer notes that a large degree of tree cover has already been removed from the site, seemingly in connection with abandoned plans for the previously approved chalet development, leaving only the woodland belt at the northern and southern edges. What is left consists of a mixed species and mixed structure broadleaf woodland with a high density of stems. With reference to the above scenarios in para. 2.8.2 (where Scottish Government Woodland Removal Policy allows for woodland removal where development would bring significant additional public benefits), the officer states that, the proposals will not help Scotland mitigate and adapt to climate change (woodland fragmentation will negatively contribute to this); is not on a scale to greatly contribute to rural community development in Scotland, at the expense of environmental destruction and fragmentation; will increase threats to forest/woodland cover; will decrease social, economic and environmental quality of local woodland cover. The officer does not consider that the above clearly defined significant additional public benefits required in order to justify woodland removal are delivered by these proposals, rather they would give rise to a severe localised impact to this woodland belt, fracturing the woodland structure, and creating a separated woodland group,

2.8.7 Concurring with the views of Planning Services' Natural Heritage and Tree Protection Officers, it is considered that the proposals, while acceptable in the round in terms of the above provisions of policy and guidance relating to biodiversity, are contrary to the above provisions of policy and guidance as they relate to woodland removal.

2.9 Sustainable Construction

2.9.1 The relevant provisions of NPF4 policies 1, 2 and 14 and FIFEplan Policies 1, 3 and 11 apply. Fife Council's Low Carbon Supplementary Guidance (2019) is also relevant here.

2.9.2 A number of the representations in support welcome incorporation of low and zero-carbon technologies.

2.9.3 The applicant has submitted a satisfactorily completed Fife Council Planning Services Low Carbon Checklist in support of the proposal. Photovoltaic panels and air source heat pumps are proposed and shown in the submitted drawings. As such, the proposal stands to be considered to accord with the above provisions of policy and guidance in relation to sustainable construction, subject to appropriate conditions to secure delivery of sustainability measures on site.

3.0 Consultation Summary

The Coal Authority	No objection subject to standard condition and informative.
Trees, Planning Services	Objection to woodland removal.
Natural Heritage, Planning Services	No objection subject to proposed mitigation
Scottish Water	No objection.
TDM, Planning Services	Objection in relation to unsustainable location and intensification of vehicle movements onto unrestricted distributor road.
Structural Services - Flooding, Shoreline and Harbours	No objection in relation to flooding. Holding objection in relation to surface water.
Land And Air Quality, Protective Services	No objection subject to standard type condition.

4.0 Representation Summary

4.1 Eight representations in support have been received.

4.2 Material Planning Considerations

4.2.1 Support Comments

Issue	Addressed in Paragraph
a. Will make a positive contribution to the appearance of the area.	2.3
b. Proposed houses are well designed, the use of extensive glazing on south elevations adding to the quality of the accommodation.	2.3
c. Will be of a scale and form in keeping with and respectful to existing properties and integrate well into landscape setting.	2.3
d. Will provide much needed and sought after housing	2.3
e. Welcome closing off of existing unsafe access	2.5
f. Well located in terms of services.	2.2
g. Incorporation of low and zero-carbon technologies welcomed.	2.9
h. Welcome attention to biodiversity.	2.8

5.0 Conclusions

The development is contrary to the relevant provisions of policy and guidance relating to the principle of development, design and layout/visual impact, transportation/road safety, water management, and trees. The development is contrary to the development plan overall, with no material considerations of sufficient weight to justify departing therefrom.

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of sustainable places, local living and 20-minute neighbourhoods; the overscaled nature of the development in this countryside location approximately 60-minute return walking distance from nearby settlements and very poorly served in terms of sustainable transport; being contrary to the relevant provisions of National Planning Framework 4 (NPF4) (2023) policy 1 Tackling the climate and nature crises, NPF4 policy 13 Sustainable transport, NPF4 policy 14 Design, quality and place, NPF4 policy 16 Quality homes, NPF4 policy 17 Rural homes, FIFEplan Fife Local Development Plan (FIFEplan) (2017) Policy 1: Development Principles, FIFEplan Policy 7: Development in the Countryside and FIFEplan Policy 8: Houses in the Countryside.
2. In the interests of safeguarding rural landscape character and views and visual amenity generally; the built form of the development, in terms of the individual houses and collectively, predicted to read as overscaled in relation to its surrounds; and the overall design and layout predicted to read as a small mainstream suburban housing development at odds with the existing informal rural housing group; consistent with National Planning Framework 4 (NPF4) (2023) policies 14 Design, quality and place, NPF4 policy 16 Quality homes, NPF4 policy 17 Rural homes, NPF4 policy 29 Rural development, FIFEplan Fife Local Development Plan (FIFEplan) Policy 1: Development Principles, FIFEplan Policy 7: Development in the Countryside, FIFEplan Policy 8: Houses in the Countryside, FIFEplan Policy 10: Amenity, FIFEplan Policy 13: Natural Environment and Access, and Making Fife's Places Supplementary Guidance (2018).
3. In the interests of road safety; the overscaled nature of the development is predicted to give rise to an excessive intensification of vehicle movements onto an unrestricted distributor road outside of a built-up area, increasing traffic turning manoeuvres which conflict with through traffic movements, and so increasing the probability of accidents occurring; consistent with FIFEplan Fife Local Development Plan (FIFEplan) (2017) Policy 1: Development Principles, FIFEplan Policy 3: Infrastructure and Services, and Making Fife's Places Supplementary Guidance (2018)
4. In the interests of effective flood risk management; it not having been demonstrated, through submission of a satisfactory ground investigation report, that the proposed use of a soakaway would be an effective part of the proposed surface water management system; consistent with National Planning Framework 4 (NPF4) (2023) policy 14 Design,

Quality and Place, NPF4 policy 22 Flood Risk and Water Management, FIFEplan Fife Local Development Plan (FIFEplan) (2017) Policy 1: Development Principles, FIFEplan Policy 3: Infrastructure and Services, and FIFEplan Policy 12: Flooding and the Water Environment.

5. In the interests of effective flood risk management; it not having been demonstrated that the soakaway invert is predicted to remain above the maximum groundwater level, which arrangement would be required for effective operation of the surface water management system; consistent with National Planning Framework 4 (NPF4) (2023) policy 14 Design, Quality and Place, NPF4 policy 22 Flood Risk and Water Management, FIFEplan Fife Local Development Plan (FIFEplan) (2017) Policy 1: Development Principles, FIFEplan Policy 3: Infrastructure and Services, and FIFEplan Policy 12: Flooding and the Water Environment.
6. In the interests of effective flood risk management; the roof soakaway predicted to provide insufficient capacity in terms of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements v.2.1 (2022), which capacity would be required for effective operation of the surface water management system; consistent with National Planning Framework 4 (NPF4) (2023) policy 14 Design, Quality and Place, NPF4 policy 22 Flood Risk and Water Management, FIFEplan Fife Local Development Plan (FIFEplan) (2017) Policy 1: Development Principles, FIFEplan Policy 3: Infrastructure and Services, and FIFEplan Policy 12: Flooding and the Water Environment.
7. In the interests of avoiding woodland removal and safeguarding associated ecosystem services, whereas the development would lead to woodland removal and associated compromise of ecosystem services; contrary to National Planning Framework 4 (NPF4) (2023) policy 1 Tackling the climate and nature crises, NPF4 policy 6 Forestry, woodland and Trees, FIFEplan Fife Local Development Plan (FIFEplan) (2017) Policy 1: Development Principles, FIFEplan Policy 13: Natural Environment and Access, Making Fife's Places Supplementary Guidance (2018), and Fife Council Planning Trees and Development Customer Guidelines.

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](#)

[The Scottish Government's Policy on Control of Woodland Removal \(Forestry Commission, 2009\)](#)

[Scottish Government's Policy on Control of Woodland Removal: Implementation Guidance \(Forestry Commission, 2019\)](#)

[Scottish Government Planning Guidance: Local living and 20 minute neighbourhoods \(2024\)](#)

[Fife Forestry and Woodland Strategy 2013](#)

[Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements \(2022\)](#)

Report prepared by Brian Forsyth, Planner (Chartered Town Planner)

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

Committee Date: 28/08/24

Agenda Item No. 6

Application for Full Planning Permission

Ref: 24/01053/FULL

Site Address: Land At The Quarry Carnock Road Oakley

Proposal: Erection of holiday accommodation including erection of fence, landscaping and formation of access and hardstanding

Applicant: Mr Kenny McCallum, 16 Lyndsay Wynd Oakley

Date Registered: 3 May 2024

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

Summary Recommendation

The application is recommended for: Refusal

1.0 Background

1.1 The Site

1.0 Background

1.1 Description

1.1.1. This application relates to an area of land which measures approximately 3100m², located outwith any settlement boundary and within the countryside as designated within the Adopted FIFEplan (2017). The site comprises of a mostly grassed and stone area which was a former quarry and is located approximately 22 metres to the east of the Oakley settlement boundary and 142 metres to the west of the Carnock settlement boundary. The site is surrounded by open countryside on all sides with the A907 distributor road running parallel to the southern boundary of the site. The site is also bound by a low-level hedge along the south boundary.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1. This application seeks planning permission for the erection of a single unit of holiday accommodation, including the erection of fencing and formation of access, hardstanding and landscaping. The proposed accommodation would comprise of an L-shaped building with a footprint of 124m², in addition to a 100m² decked area. The proposed unit would be approximately 3.1 metres tall, finished in charred larch cladding, with a single ply membrane flat roof and uPVC windows, door and rainwater goods, all finished in black. Vehicular access to the site would be to the west of the site from the A907 distributor road.

1.3 Relevant Planning History

19/01754/PPP - Planning permission in principle for erection of dwellinghouse and associated vehicular access (part retrospective) – refused in the interests of safeguarding the countryside from unjustified sporadic residential development, in the interests of visual amenity and safeguarding the rural character of the surrounding area and in the interests of road safety - 06/12/19.

23/02442/FULL - Erection of holiday accommodation including erection of fence and formation of access and hardstanding and landscaping – refused in the interest of safeguarding the countryside from unplanned, sporadic and unjustified development and in the interest of safeguarding the visual amenity of the countryside - 05/12/23.

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. 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 30/05/24. 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); and
- GIS mapping software

1.5 Relevant Policies

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.

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 3: Biodiversity

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

Policy 9: Brownfield, vacant and derelict land and empty buildings

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

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 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 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.

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.

Policy 29: Rural development

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

Policy 30: Tourism

To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

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 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.

Policy 7: Development in the Countryside

Outcome: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

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 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.

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.

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact on the Countryside
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Sustainability

2.2 Principle of Development

2.2.1. NPF4 (2023) Policy 9, 29 and 30 and FIFEplan (2017) Policies 1 and 7 shall be considered in the assessment of the principle of development.

2.2.2. Letters of support received for this application considered that the proposed development would be beneficial for the area as it would result in an increase in the number of visitors to the West Fife Region.

2.2.3. It is acknowledged that the site is brownfield and therefore the proposed development would result in the re-use of brownfield land, as supported under NPF4 Policy 9. However, the site is considered to be in a reasonably naturalised state and therefore the proposed development would fail to comply with Policy 29. The applicant has submitted a planning statement setting out the view that the proposal would meet Policy 7, Criterion 5 and 6 of the Adopted FIFEplan as it would be a tourism facility providing access to the countryside which could also 'deliver social and economic benefits, by supporting a wide range of activities and rural businesses in the area through increased visitor spending.' No details have been provided as to which existing rural businesses within the area it is envisaged that the development would support. Notwithstanding this however, it is unlikely that a single holiday accommodation unit could generate a level of economic activity sufficient to support surrounding rural businesses. Consequently, the social and economic benefits of the proposal do not provide adequate justification for the proposal.

2.2.4. The applicants supporting statement also recognises that Fife is renowned as a popular tourist destination and contends that “the development, providing a new facility/accommodation helping meet this demand is understood to be generally supported by the Council’s policy approach and the principle of the development is deemed acceptable in this regard.” Moreover, it is stated that “further to the applicant’s local market research the proposed location would seem popular for short term holiday lets. This demonstrates that not only is there a proven demand for this type of use but that the site location is already considered to be a viable and attractive location for tourist and holidaymakers.” Whilst it is accepted that Fife is a popular tourist destination, the applicant has failed to provide any evidence to demonstrate what demand there is for tourism accommodation within the area. Moreover, given that there are two settlements within very close proximity of the proposal site, in the event a high demand for tourism accommodation within the area was established, insufficient information has been submitted to provide adequate justification for the siting of the proposed development within the countryside, as opposed to within the nearby settlements. Furthermore, given the location of the site within close proximity of Carnock and Oakley, it is considered the approval of the development would result in the erosion of the settlement boundaries and could enable the future coalescence of these settlements.

2.2.5. The supporting statement also contends that the proposed development would ‘provide a business and economic diversification opportunity for the applicant’ who operates a construction business. A construction business however would not be classes as a ‘land-based business’ such as agricultural or forestry which requires a countryside location (as detailed within Policy 7 of FIFEplan). Thus, the diversification of the applicants business does not provide support or justification for the proposed development within the countryside.

2.2.6. Overall, whilst the proposed development would result in the reuse of a brownfield site, in compliance with NPF4 Policy 9, the proposed development would result in unjustified sporadic development within the countryside and therefore is contrary to Polices 29 & 30 of NPF4 and Policies 1 and 7 of FIFEplan and thus is not acceptable in principle.

2.3 Design and Layout / Visual Impact on the Countryside

2.3.1. NPF4 (2023) Policy 14 and 29 and FIFEplan (2017) Policies 1, 7 and 10 shall be considered in the assessment of the design and visual impact of the development.

2.3.2. Letters of support received for this application considered that the proposed development would result in a visual enhancement of the site.

2.3.3. The proposed accommodation would comprise of an L-shaped building with a footprint of 124m², in addition to a 100m² decked area. The proposed unit would be approximately 3.1 meters tall, finished in charred larch cladding, a single ply membrane flat roof and uPVC windows, door and rainwater goods finished in black. Whilst the site is a former quarry, it is not in a blighted state and does not have a significant detrimental visual impact on the surrounding rural character of the area. The submitted supporting statement advises that the proposed building would be obscured by the existing established boundary hedge which the applicant states is 2.4 meters high, and therefore would not be visible from the A907. Moreover, it has been stated that it is intended for the proposal “to look like a small agricultural shed/outbuilding in scale, massing, proportions and finishes.”

2.2.4 Having visited the site, the existing south boundary hedge is approximately 1.5 meters high. As such, it is accepted that the proposal would be partially screened from the road by the

existing boundary hedge. Furthermore, it is proposed to include additional planting within the site as part of the proposal. However, due to the topography of the site, the proposal would still be readily visible on approach when travelling east bound from Oakley to Carnock, particularly during the winter months when any planting along the boundaries will be sparse. In addition, whilst the proposal's design may be considered somewhat agricultural, the character of this area is comprised of large uninterrupted agricultural fields, Against this existing rural context, the introduction of a remote building, intended to appear as an agricultural outbuilding would be incongruous, given such buildings would normally be closely associated with a farm steading. . As such, it is considered that the proposal has not been designed to protect the overall landscape quality of the area, but rather would interrupt the current views in this area and therefore would not be in keeping with its character & would result in a significant detrimental impact on the visual amenity of the countryside.

2.3.4. In light of the above, the proposed development is contrary to Policies 14 and 29 of NPF4 and Policies 1, 7 and 10 of FIFEplan.

2.4 Residential Amenity

2.4.1. FIFEplan (2017) Policies 1 and 10 shall be considered in the assessment of the amenity impact of the proposed development.

2.4.2 Given that the site is approximately 85 meters from the nearest neighbouring property,(the proposal would have no significant detrimental impact on neighbouring residential properties in terms of daylight, sunlight or privacy levels.

2.4.3. In light of the above, it is considered that the proposed development would be acceptable in regard to residential amenity. However, this is not the determining issue in this instance.

2.5 Transportation/Road Safety

2.5.1. NPF4 (2023) Policy 13, FIFEplan (2017) Policies 1 and 3 and Making Fife's Places Transportation Development Guidelines (2018) shall be considered in the assessment of the transportation / road safety impact of the development.

2.5.2. Vehicular access to the site would be taken from the A907 to the south and approximately 75 meters to the west of the main portion of the site where the holiday accommodation unit would be situated. Fife Council's Transportation Development Management team (TDM) has been consulted and advise that they have no objections to the proposal subject to the imposition of conditions regarding visibility splays, parking provision and the construction of a vehicular crossing over the footway. The applicant contends that 'the proximity to both villages allows for a suitable travel plan with strong links to public transport links, amenities and public footpaths.' It is acknowledged that the site is situated approximately 50 meters from the nearest bus stop and in close proximity to the settlements of both Oakley and Carnock, where there are various amenities. However, there is no safe crossing point for pedestrians to access the footpath to the south of the A907 which connects to Oakley and Carnock. TDM colleagues did highlight that pedestrians would have to cross the A907 to reach the facilities within the two nearby settlements however advised that the road is subject to a 40mph speed limit with good visibility in either direction for pedestrians crossing the road. It is acknowledged that given the small scale of the proposed development, the proposal is unlikely to generate a considerable

level of traffic and therefore the absence of a safe pedestrian crossing is not considered a sufficient reason for refusal of the application in this instance.

2.5.3 In light of the above, the proposal (subject to conditions) would be considered acceptable in this regard. This is however not considered to be a determining issue in this instance.

2.6 Flooding And Drainage

2.6.1. NPF4 (2023) Policy 22 and FIFEplan (2017) Policies 1 and 12 shall be considered in the assessment of flooding and drainage impact of the development.

2.6.2. Scottish Water has been consulted on this application and raised no objections. The majority of the site is not shown to be at risk of flooding as per SEPA's flood maps, however a portion of the vehicular access is within a high-risk surface water flood risk zone. Due to the unacceptability of the proposal with regard to the principle of the development, it is not considered appropriate to request further information from the applicant on this matter.

2.6.3. 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 a determining issue in this instance.

2.7 Contaminated Land and Air Quality

2.7.1. NPF4 (2023) Policy 9 and FIFEplan (2017) Policies 1 and 10 shall be considered in the assessment of the contaminated land and air quality impacts of the development.

2.7.2. The application site is defined as being located within a Coal Authority Development High Risk Area. The Coal Authority was consulted on this application and raised no objections to the proposal.

2.7.3. The Land and Air Quality Team was consulted on the proposal and advised that, given the former use of the site as a quarry, a site-specific risk assessment should be undertaken. In addition, Development Management should be notified should any unexpected materials or conditions be encountered during the development.

2.7.4. In light of the above, it is considered that the proposed development (subject to condition) would be acceptable in regard to land stability. However, this is not a determining issue in this instance.

2.8 Natural Heritage and Trees

2.8.1. NPF4 (2023) Policy 3 and FIFEplan (2017) Policies 1 and 13 shall be considered in the assessment of the natural heritage impact of the development.

2.8.2. The planning statement advises that the development would include tree planting/landscaping to provide further screening along the western and southern boundaries. Moreover, the proposal would include the planting of the substantial grass area of the site with native wildflower meadow seeds to enhance the biodiversity of the site and create a suitable habitat for bees. The applicant also indicates a willingness to include provision of bat boxes, bird boxes and bee hives. Fife Council’s Natural Heritage Officer was consulted and advised further details would be required by way of a landscape plan in order to demonstrate compliance with the biodiversity requirements of both national and local planning policy. However, based on the information provided thus far, the NHO accepts that the applicant has demonstrated an appropriate approach. Whilst insufficient detail has been provided to demonstrate that the proposed development would comply with the above policies relating to biodiversity and natural heritage, it is acknowledged that this matter could be addressed via the imposition of a condition requiring further specific details of the proposed enhancement measures to be submitted,

2.8.3. In light of the above, the proposal (subject to conditions) would be considered acceptable in this regard. However, this is not the determining issue in this instance.

2.9 Sustainability

2.9.1. NPF4 (2023) Policy 1 and 2 and FIFEplan (2017) Policies 1 and 11 shall be considered in the assessment of the natural heritage impact of the development.

2.9.2. The applicant has submitted a low carbon checklist which outlines that the proposed development shall include an air source heat pump in order to meet the standards of Policy 11 with regard to energy performance. Moreover, it is advised that all materials would be sourced from local businesses where appropriate.

2.9.3. In light of the above, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to sustainable construction. However, this is not the determining issue in this instance.

3.0 Consultation Summary

Scottish Water	No objections
Land And Air Quality, Protective Services	No objection subject to conditions
Structural Services - Flooding, Shoreline And Harbours	No response
Transportation And Environmental Services - Operations Team	No response
TDM, Planning Services	No objection subject to conditions
Natural Heritage, Planning Services	No objections
The Coal Authority	No objections

4.0 Representation Summary

4.1 Six letters of representation have been received, all of which are support comments.

4.2 Material Planning Considerations

4.2.1 Support Comments

Issue

- a. Letters of support received for this application advised that the proposed development would result in a visual enhancement of the site and would result in an increase in the number of visitors to the West Fife Region.

5.0 Conclusions

The development is contrary to the provisions of policy and guidance relating to the principle of development within the countryside and visual impact but accords with those provisions relating to flooding/drainage, land stability, natural heritage, residential amenity, road safety and low carbon. Overall, it is considered that the proposed development is contrary to the development plan, as it would result in unjustified development within the countryside and would result in significant detrimental visual impact on the landscape of the countryside, with no relevant material considerations of sufficient weight to justify departing therefrom. 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 interest of safeguarding the countryside from unplanned, sporadic and unjustified development; the need in principle for the proposed development in this location is not considered fully justified and the development would therefore be contrary to Policy 29: Rural Development and Policy 30: Tourism of NPF4 and Policy 1: Development Principles and Policy 7 Development in the Countryside of the Adopted FIFEplan (2017).
2. In the interest of safeguarding the visual amenity of the countryside. The proposal would fail to protect the overall landscape quality of the surrounding countryside, thereby resulting in a significant detrimental impact on the visual amenity of the surrounding

countryside area. The proposal is therefore contrary to Policy 14: Design, Quality and Places and Policy 29: Rural Development of National Planning Framework 4 (2023) and Policy 1: Development Principles, Policy 7 Development in the Countryside and Policy 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

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](#)

Report prepared by Emma Baxter, Chartered Planner & Case Officer

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