

West and Central Planning Committee



This meeting will be held remotely.

Wednesday, 7 June, 2023 - 2.00 p.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

In terms of Section 5 of the Code of Conduct, members are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** – Minute of the meeting of West and Central Planning Committee of 10th May, 2023. 5 - 7
4. **22/01344/FULL - LAND NORTH AND SOUTH OF A994 CONSCIENCE BRIDGE NORTH CAIRNEYHILL** 8 - 51

Erection of 70 residential units with associated works including formation of accesses, open space, drainage infrastructure and landscaping.
5. **22/02932/FULL - THE GUNNER CLUB SCHOOL LANE KIRKCALDY** 52 - 67

Erection of 6 dwellinghouses and ancillary accommodation and associated infrastructure.
6. **22/04288/PPP - CROMBIE POINT FIFE** 68 - 83

Planning permission in principle for erection of 2 dwellinghouses with associated garages and access.
7. **23/00132/FULL - 6 BLAIR PLACE KIRKCALDY FIFE** 84 - 91

Erection of pergola, raised platform and wooden poles to rear of dwellinghouse (retrospective).
8. **22/03945/FULL - SOUTH PARGILLIS CLOCKLUINE ROAD HILLEND** 92 - 119

Erection of a battery energy storage system and associated infrastructure including DNO substation, switchroom building, storage containers, fencing and CCTV cameras.
9. **23/00081/FULL - SOUTH PARGILLIS CLOCKLUINE ROAD HILLEND** 120 - 127

Installation of cable associated with battery energy storage system.
10. **APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**

Lists of applications dealt with under delegated powers for the period 17 April to 14 May, 2023.

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

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

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31 May, 2023

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BLENDED MEETING NOTICE

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

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

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

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

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

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

Members joining remotely are reminded to have cameras switched on during meetings and mute microphones when not speaking. During any breaks or adjournments please switch cameras off.

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

10th May, 2023

2.00 p.m. – 3.40 p.m.

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

ATTENDING: Mary Stewart, Service Manager - Major Business & Customer Service, Bryan Reid, Lead Professional and Emma Baxter, Graduate Planner, Planning Services; Mary McLean, Legal Services Manager and Emma Whyte, Committee Officer, Legal and Democratic Services.

APOLOGY FOR ABSENCE: Councillor Colin Davidson.

86. DECLARATIONS OF INTEREST

Councillor David Barratt declared an interest in Para. 89 below - 22/03990/FULL - Land Site, 1 Fulmar Way, Donibristle Industrial Estate - as he had expressed a view on a previous proposal for the site.

87. MINUTE

The Committee considered the minute of the West and Central Planning Committee of 12th April, 2023.

Decision

The Committee agreed to approve the minute.

88. 23/00480/CON - ECU00003469 DEVILLA FOREST, KINCARDINE

The Committee considered a report by the Head of Planning Services relating to a consultation under Section 36 of the Electricity Act 1989 for installation of 500MW battery energy storage facility and associated infrastructure.

Decision

The Committee agreed the conclusions set out in the report as the formal position of Fife Council to Scottish Ministers.

Councillor Barratt left the meeting prior to consideration of the following item, having earlier declared an interest. Councillor Glen, Depute Convener took the Chair.

89./

89. 22/03990/FULL - LAND SITE, 1 FULMAR WAY, DONIBRISTLE INDUSTRIAL ESTATE

The Committee considered a report by the Head of Planning Services relating to an application for the erection of 35 residential units (Class 9) including affordable housing, formation of access and associated infrastructure and landscaping.

Councillor Backhouse moved that the application be approved against officer recommendation due to the noise mitigation measures in the proposal and that there was already a mix of traffic through the area. However, having failed to find a seconder the motion fell.

Councillor Backhouse requested that her dissent be noted.

Decision

The Committee refused the application for the two reasons detailed in the report.

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

90. 22/03598/FULL - BLAIRSGREEN FARM, SALINE

The Committee considered a report by the Head of Planning Services relating to an application for change of use from agricultural land to dog exercise facility (including the erection of field shelters, boundary fences, directional floodlighting, gate and formation of parking).

Decision

The Committee agreed to approve the application subject to:-

- (1) the nine conditions and for the reasons detailed in the report; and
- (2) an amendment to the Operating Statement to include an assessment of flood lighting pollution.

91. 22/03587/FULL - OAKLEY LODGE, CHURCH ROAD, LEVEN

The Committee considered a report by the Head of Planning Services relating to an application for erection of dwellinghouse and formation of driveway.

Decision

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

92. 23/00227/FULL - 7 BEECHWOOD DRIVE, GLENROTHES

The Committee considered a report by the Head of Planning Services relating to a revised application for two storey extension to rear and installation of window to side of dwellinghouse.

Decision/

Decision

The Committee agreed to approve the application subject to an amendment to the condition to remove 'unless otherwise agreed in writing with this Planning Authority' and for the reason detailed in the report.

93. 23/00305/FULL - 36 ST JAMES BLACK ROAD, COWDENBEATH

The Committee considered a report by the Head of Planning Services relating to a retrospective revised application for erection of detached domestic garage/ outbuilding to rear of dwellinghouse.

Decision

The Committee agreed that the application be approved unconditionally.

94. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Decision

The Committee noted the list of applications dealt with under delegated powers for the period 20th March to 16th April, 2023.

ITEM NO: 4

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01344/FULL

**SITE ADDRESS: LAND NORTH AND SOUTH OF A994 CONSCIENCE BRIDGE
NORTH CAIRNEYHILL FIFE**

**PROPOSAL: ERECTION OF 70 RESIDENTIAL UNITS WITH ASSOCIATED
WORKS INCLUDING FORMATION OF ACCESSES, OPEN
SPACE, DRAINAGE INFRASTRUCTURE AND LANDSCAPING**

**APPLICANT: MR GREGOR ROBERTSON
OGILVIE HOUSE 200 GLASGOW ROAD STIRLING**

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

CASE OFFICER: Natasha Cockburn

DATE 30/05/2022

REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

This is a major development in terms of the Town and Country Planning (Hierarchy of Development) Regulations 2009 and more than 5 representations have been received which express views contrary to officers' recommendation

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional approval requiring a legal agreement.

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

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

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

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

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

1.0 BACKGROUND

1.1 Site Description

1.1.1 The application site extends to an area of approximately 4.9 hectares, comprising former agricultural land to the western edge of Cairneyhill to the west of Dunfermline. The site is allocated in the adopted FIFEplan (2017) for housing (ref: CNH002). The site is bound by the A994 to the south and west, with Cairneyhill A985 roundabout to the south west. Agricultural land lies to the north of the site, with this land being allocated in the adopted FIFEplan (2017) for housing (ref: CNH005). Existing residential properties are located to the east of the site, at Glen Moriston Drive and beyond. Across the A994 to the south, is an area of agricultural land which is allocated as employment land (ref: CNH003). An existing cottage is located to the north of the site. The red line boundary of the site has been amended since the application was submitted to include some of the land on allocated employment site CNH003, which is required to install the pipe for the drainage outfall route, running along the south into the employment site. The main centre of Cairneyhill is located to the south east of the site.

1.1.2 Within the application site itself, there is a hedgerow running west to east, towards the southern end of the site, which includes a footpath adjoining Glen Moriston Drive to the east. The footpath has a gate at the Glen Moriston Drive end but is still accessible. Trees and vegetation surround the site to the north, east, west and southern boundaries. There is an existing informal access into the field from the west side. There is a high-risk flood area to the southeast of the site, which is associated with the Rushy End Burn, which runs north to south along the eastern

boundary. A high pressure water main runs down the western boundary of the site, from north to south. The site falls from west to east, with lower points to the south and the east.

1.1.3 The site is allocated for residential development within the adopted FIFEplan 2017 (site reference: CNH002) with an estimated housing capacity of 100 units. The allocation sets out the following requirements:

Together, with CNH004 and CNH005 the site will form a northern extension of the village.

Development proposals will be subject to preparation of a masterplan for the whole area covered by these sites to ensure a well-planned development. The masterplan exercise will be carried out by the appropriate landowners and developers, in consultation with the council. New development on the site will:

- Provide structural landscaping to the north, west and eastern edge of the site.
- Cross fund the provision of employment land on site CNH 002
- Make provision for a multi-use community facility

A Flood Risk Assessment requires to be undertaken prior to development on this site. A 6m buffer strip between the development and the watercourse is required. This site along with site CNH004, CNH005, and CNH006 will contribute to providing settlement wide improvements to the local flooding and drainage network and provide new Sustainable Urban Drainage Scheme (SUDS) solutions to resolve issues associated with localised flooding.

1.2 Proposal

1.2.1 The proposed development comprises the erection of 70 residential units, formation of a new access, open space and related infrastructure including SUDS and associated works. The proposals include a mix of terraced, semi-detached and detached properties, all two stories, with 18 of the properties being affordable housing. The proposed materials include Anthracite roof tiles, a mix of grey or buff facing brick, white roughcast with grey accents and grey timber cladding. The affordable housing units are situated in the south eastern corner of the site. The development is set back from the western boundary because there is a high pressure water main running along the boundary from north to south, which requires an exclusion zone from development and some landscaping. Structural planting that has been accepted on the high pressure water main, is proposed in that location. The units to the south of the site, face onto the A994 and the site is accessed from here via a junction, which also allows for the construction of a roundabout in future should the allocated employment site (CNH003) to the south be developed. The site is unusually shaped and has various constraints, including the water main to the east and the burn/flood zone to the west. A small group of 5 properties is located in the northern corner, adjoined to the rest of the site via a road and a footpath. The rest of the properties are located to the southern part of the site. Open space and play facilities are situated to the western side of the site, and the SUDS is also to the west, within the open space. The units to the west of the site face onto the open space and SUDS. Parking is arranged as a courtyard to the south east for the affordable housing units and most other units contain driveways or garages, with visitor parking distributed throughout the site. Boundary treatments vary across the site, with hedges, timber fencing, walls, trellising and metal railings included throughout. An outfall pipe is proposed, running down to the south of the site, across the A994 to the south and into site CNH003 which is allocated in FIFEplan (2017) as Employment Land.

1.3 Planning History

1.3.1 Planning application reference 21/00974/FULL is currently live and relates to allocated site CNH005 to the north east of this application site. A subsequent PAN for the same site has been agreed providing for an increased number of units, therefore a further planning application is expected to be submitted in light of this PAN submission.

1.3.2 A masterplan has been set out for sites CNH005 and CNH002 within application reference: 14/04038/PPP. There are two options included within the Planning Permission in Principle approval with this site being included in Option 2. The Planning Permission in Principle approved does not include the application site within its red line boundary, therefore the status of the Masterplan is not a formal approved document and was produced by the agent representing the applicants for CNH005 in 2014 as a theoretical example.

1.4 Procedural Issues
1.4.1 The proposed development comprises more than 50 residential units and therefore, falls within the Major Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. The applicant has carried out the required pre-application consultation through holding a public information event (ref: 21/03931/PAN). A Pre-Application Consultation Report outlining comments made by the public has been submitted as part of this application. The manner of the consultation exercise, including the notification and media advertisement process, complied with the relevant legislation. This included an online consultation where the public could view details of the proposed development and make comments via the applicant's website. Virtual public events were held on 14th February 2022 and 17th March 2022. Details of the event was advertised in the Fife Courier, Dunfermline Press and Cairneyhill Community Facebook Page. The applicant also met with the Cairneyhill Community Council.

1.4.2 The application was advertised in the local press on 16th June 2022 for neighbour notification purposes.

1.4.3 During the course of the application, the applicant amended the drainage scheme which required the red line boundary to be amended to include an area outwith the red line boundary of the application site as was originally submitted. The red line boundary aligned with the red line boundary included within the PAN submitted, therefore it was not deemed that the applicant was required to carry out a further PAN process in this instance. Due to the change in red line boundary, a further neighbour notification was carried out on 8th March 2023 with a response deadline of 5th April 2023. Following the latest neighbour notification period, objectors have expressed that they were not content with the engagement undertaken by the applicant to inform the community of the amendments to the proposals. A further consultation with the community was organised and held by the applicant via an online video call, which is not required by Planning

legislation and was carried out at the discretion of the applicant themselves. It is considered that the applicant has carried out sufficient engagement with the community as is required by Planning Legislation.

1.4.3 The Case Officer carried out a site visit during the assessment of the planning application.

2.1 PLANNING ASSESSMENT

2.2 The issues to be assessed against the Development Plan and other material considerations are as follows:

- Principle of Development
- Design and Visual Impact
- Garden Ground, Open Space and Landscaping
- Road Network and Parking
- Residential Amenity
- Natural Heritage and Trees
- Contamination, Land Stability and Air Quality
- Flooding and Drainage
- Archaeology
- Affordable Housing
- Education
- Public Art
- Sustainable Development
- Planning Obligations

2.3 Principle of Development

2.3.1 NPF 4 Policy 9 states that proposals on greenfield sites will not be supported unless the site has been allocated for development. NPF 4 Policy 16 a) reiterates this emphasising support for new homes on land allocated for housing in Local Development Plans. NPF 4 Policy 16 b) advises that proposals for 50 or more homes should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i. meeting local housing requirements, including affordable homes;
- ii. providing or enhancing local infrastructure, facilities and services; and
- iii. improving the residential amenity of the surrounding area.

2.3.2 FIFEplan Policy 1: Development Principles states that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Part A (1) states that the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the LDP. Part B requires development proposals to address their impact by complying with a number of criteria and supporting policies. Of relevance to this application is (1) Mitigate against the loss of infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure; (8) Avoid flooding and impacts on the water environment and (9) Safeguard or avoid the loss of natural resources. Part C requires proposals to demonstrate compliance with the various FIFEplan supporting policies. These individual policies are considered in greater detail in the assessment of the proposal in the sections below.

2.3.3 FIFEplan Policy 2: Homes states that residential development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply on sites allocated for housing. It states that all housing proposals must meet the requirements for the site identified in the settlement plan tables and relevant site brief; and include provision for appropriate screening or separation distances to safeguard future residential amenity. The site is identified in the Fife Housing Land Audit 2022 (WFV 091 Conscience Bridge 2 as an effective housing site for 100 units.

2.3.4 A representation received notes concern that the application site is not allocated in the Local Development Plan. The application site is designated for housing in the adopted FIFEplan (2017) (site ref: CNH002) with an estimated capacity for 100 residential units. The site allocation sets out the following requirements:

Together, with CNH004 and CNH005 the site will form a northern extension of the village. Development proposals will be subject to preparation of a masterplan for the whole area covered by these sites to ensure a well-planned development. The masterplan exercise will be carried out by the appropriate landowners and developers, in consultation with the council. New development on the site will:

- Provide structural landscaping to the north, west and eastern edge of the site.
- Cross fund the provision of employment land on site CNH 002

- Make provision for a multi-use community facility

A Flood Risk Assessment requires to be undertaken prior to development on this site. A 6m buffer strip between the development and the watercourse is required. This site along with site CNH004, CNH005, and CNH006 will contribute to providing settlement wide improvements to the local flooding and drainage network and provide new Sustainable Urban Drainage Scheme (SUDS) solutions to resolve issues associated with localised flooding.

2.3.5 It should be noted that the FIFEplan (2017) allocation sets out the requirement for the site to cross fund the provision of employment land on site CNH002. Given site CNH002 is the application site, which is allocated for residential development only, it is suggested that this reference is an error and had instead intended to reference allocated site CNH003, which is the allocated employment site to the south. This matter is discussed further in paragraph 2.16.11. Objection comments received note concern that the development would incur loss of green space as the proposals would be developing a greenfield site. The application site is located within the settlement boundary for Dunfermline as defined in the adopted FIFEplan Proposals Map. It comprises residential development on an allocated housing site within the adopted FIFEplan (site ref: CNH002) and is therefore not protected Open Space as it is allocated for development. The proposals are also required to comply with the Development Plan requirements of CNH002, as set out above. The proposals comply with the requirements of CNH002 and a full assessment of these detailed aspects are considered and assessed throughout this report. In accordance with NPF 4 Policy 16 b) i, the submitted Statement of Community Benefit confirms that the proposal would assist in meeting local housing requirements by delivering new homes which would help to meet the needs of the local community including both private market housing and affordable homes as well as incorporating a range of different house types. In relation to NPF 4 Policy 16 b) ii and iii the proposal would provide areas of open space incorporating public art. Footpath connections would be provided to Glen Moriston Drive, where an existing play park can be accessed. Speed reducing measures are proposed on the A994 which will be of benefit to road and pedestrian safety. The proposed planting and landscaping and the creation of an active frontage along the southern boundary of the site would enhance the visual amenity of the area. Any potential negative impact of the development on local infrastructure and facilities such as the road network and education capacity could be addressed via developer contributions. These are discussed further in Section 2.16 of this report.

2.3.6 Objection comments received raise concern regarding agricultural land being lost as a result of the development. As discussed above, the site is allocated for housing in the Local Development Plan. The majority of the site is non-prime agricultural land (identified as 3.2 moderate) to the north and a built-up area to the south. A portion of the site in the centre is identified as Prime Agricultural Land (3.1 - moderate). NPF4 Policy 5 (Soils) sets out that development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for: i. Essential infrastructure and there is a specific locational need and no other suitable site; ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite; iii. The development of production and processing facilities associated with the land produce where no other local site is suitable; iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required. Similarly, FIFEplan (2017) Policy 7 sets out that Development on

prime agricultural land will not be supported except where it is essential: 1. as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; 2. for small-scale development directly linked to a rural business; or 3. for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is a commitment to restore the land to its former status within an acceptable timescale.

2.3.7 The site is allocated for residential development in the Local Development Plan, therefore there is a presumption in favour of residential development on this site, providing the proposals meet the requirements set out in the Local Development Plan in other respects. NPF4 does not specify that development on prime agricultural land is supported as a component of the settlement strategy, as set out in FIFEPlan (2017) which this proposal would meet. However, given the site is allocated for residential development in FIFEplan (2017) it is considered that the loss of prime agricultural land has already been established by allocating the site for development.

2.3.8 The proposed outfall pipe which is associated with the development would not create any visual impact, however it is engineering works and therefore requires planning permission. The pipe would run through site CNH003 which is allocated in FIFEplan (2017) as Employment Land. The proposed pipe would not create any impact on the future development of this site and is essential infrastructure associated with the proposed development of the allocated housing site.

2.3.9 The proposed development comprises residential development on an allocated housing site with the number of houses proposed is in-keeping with the estimated capacity for the site noted in FIFEplan, therefore, the principle of the proposed development is acceptable and complies with NPF 4 Policies 9 and 16 and FIFEplan Policies 1 and 2 in this regard.

2.4 Design and Visual Impact

2.4.1 Scottish Government Policy Statements Creating Places and Designing Streets both state that an emphasis should be placed on design providing a 'sense of place' and taking cognisance of the context of the surrounding area, design should connect and relate to the surrounding environment. This is mirrored within FIFEplan Policy 14 and Making Fife's Places Supplementary Guidance which require a high quality of design in order to create successful places.

2.4.2 NPF 4 Policy 14 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Furthermore, development will be supported where it is consistent with the six qualities of successful places.

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

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

2.4.5 A masterplan was carried out for the wider site, as set out within FIFEplan (2017) site allocation CNH002 and CNH005. Phase 1 of site CNH005 has already been completed, and there is a live planning application in for Phase 2. The masterplan includes a connection through from the proposal site up to CNH005 to the north. The proposals do not include a connection through to CNH005 as is presented within the masterplan. The applicant has advised that this connection is not possible and the masterplan previously produced was provided by the agent for the applicant on the adjacent site as a potential example, without taking into account the practicalities of this. As mentioned in paragraph 1.3.2, the masterplan was not an approved document associated with the Planning Permission in Principle from 2014/2015. The various reasons that it is not possible to provide these connections are due to various different land owners owning parts of this area, which would make it difficult for the applicants to connect the two connections together, and ultimately it would require bridge connections rather than simple footpath connections therefore it is a more complex situation with multiple landowners involved. Additionally, the Rushy End Watercourse has a 6m wide, ecology protection stand-off from each side of the watercourse edge, which would mean that a footway crossing would require to span approximately 15m to clear both the ecological stand off and the water course itself. The bridge would be very large, and the cost would be considerable, it has been intimated by the applicant that this would make developing the site unfeasible. Given the other many constraints restricting the developable area, and the resulting number of units being reduced by 30 from what had been anticipated in the allocation of the site, the cost of providing such a structure would not be possible. On balance, it is considered that, with the addition of extra connections from the site into Cairneyhill itself, the provision of a good quality layout and in considering the significant constraints across the rest of the site, and the provision of an area for a future roundabout access to the south of the site, it is accepted that the footpath connections to the north east are not possible in this instance.

2.4.6 The site layout has been amended during the assessment of the planning application, following discussions with the applicant, and the connectivity of the site has been improved as a result of the amendments, with further connections provided to the east, which is welcomed. There are proposed connections through from the site to the south and south east corners, which would provide connectivity with the surrounding Cairneyhill area but not to the adjacent CNH005 site to the north, as discussed in the above paragraph 2.4.5.

2.5.7 Most of the streets throughout the development meander in short stretches to slow traffic naturally. Building lines vary to help enclose some spaces and interrupt lines of sight which helps to slow traffic naturally and also provide a visually more interesting streetscape. An additional movement route has been provided within the site, which creates more permeability and contributes to a varying sequence of streets and spaces across the site. A very distinctive street has been designed along a “green street” concept, providing clear pedestrian movement routes east-west which reflects and retains the existing route present on site. This green route is set within a strong landscaped context. It also runs through the parking courtyard to provide people activity and green space within this area, ensuring the courtyard is a multi-functional space and not just a car park. A social space within the street is proposed within the green corridor, with the provision of a stone feature bench, which would make a positive contribution to the character of the street as well as providing a space for social interaction.

2.5.8 The street frontage onto the A994 is a positive contribution to the development and the surrounding area. The varied building types, heights and the building line creates a frontage that is contextually relevant – reflecting the tight urban grain found in the older parts of the village, but also arranged to create interesting views into the site when entering the village from the west.

2.5.9 The main amenity space would be located to the south east of the site, and it would be largely overlooked by the proposed houses along the east side of the site. The SUDS would also be located in this area. There are various other pockets of amenity space and landscaping throughout the site, with street trees and the proposed green corridor providing a good balance of built form and soft landscaping throughout the site. The Fife Council Urban Design Officer has advised that, to achieve overlooking into the courtyard to the south east of the site, plots 15-18 should be orientated to look into the courtyard, with trellis style and visually permeable boundary treatment to the rear. It is acknowledged that these plots would not directly face the adjacent SUDS feature, but there are multiple plots (42 to 48) that would provide the informal surveillance function required to a SUDS. This option has been discussed with the applicant, who is willing to amend the layout to provide this. A condition has therefore been recommended to this effect. Following discussions with the applicant, Plots 62 to 65 have been turned to face the principal streets, which is supported. Their positioning close to the street (plots 63 and 64) forms a sense of enclosure to the access road running to the north. The outfall pipe to the south of the site would have no detrimental impact as a result of the laying of the pipe as it would be located underground and therefore not visible once engineering works was completed.

2.5.10 Within the development there would be a variation of house types and sizes. Properties would consist of 2, 3 and 4 bedroom terraced, semi-detached and detached single and two storey dwellinghouses. The proposed dwellinghouses would be of a modern design, with finishing materials consistent throughout the site, including the affordable housing units. Finishing materials would comprise of white dry dash roughcast walls, grey or buff multi facing brick feature areas and bays, grey concrete roof tiles, grey uPVC windows, precast concrete cills, black rainwater goods and grey timber cladding. This simple palette of materials is considered to be sympathetic to the specific context of this site and the surrounding area of Cairneyhill. Objection comments have raised concerns that the proposed affordable housing would be grouped together. It is considered that, although the affordable housing is located together in the south east corner, it would be

largely indistinguishable from the proposed market housing with there being no notable difference in the design quality of the market and affordable units, with consistent materials proposed throughout the entire site. Most dwellings would feature in curtilage off-street parking spaces, however there would be a parking court to the south east for the affordable housing units.

2.5.11 A good range of boundary treatments are proposed, from hedging, feature walls to trellis style, visually porous, rear boundary fences. The trellis style boundary fences are located where back gardens face key public areas, allowing for social interaction and a degree of informal surveillance. Care should be taken that feature walls do not create large blank areas along a street or space, for example within plots 44 and 45 or 49 and 51. Here, a more visually porous boundary design may be preferable to create a sense of people activity where back gardens face the street. On balance, however, the mix of approaches to boundary design is welcome and can make a positive contribution to the character of the street and opportunities for social interaction to take place. The applicant has agreed that a condition requiring the finalisation of the boundary treatments would be appropriate and the feature walls can therefore be reviewed through an appropriate condition on this matter.

2.5.11 Overall, there are many positive aspects to the proposal in relation to its design and layout and creation of place. Subject to the above noted conditions, the proposals would be expected to create elements of a distinctive, characterful and successful place.

2.5.12 The proposals comply with Policy 14 of NPF4 and Policies 10 and 14 of FIFEplan (2017) and Supplementary Guidance Making Fife's Places (2018) in regards to design and visual impact.

2.6 Garden Ground, Open Space and Landscaping

2.6.1 Fife Council's Guidelines on Garden Ground advise that all new semi-detached and detached dwelling houses should be served by a minimum of 100 square metres of private useable garden space.

2.6.2 The proposals include private garden ground for each residential plot which vary in size, given the mix of house types proposed. In most instances the provision of garden ground is generous and exceeds the minimum standard. In a few select plots, it is noted that provision would fall slightly below the minimum. Any breaches of the minimum standard are the exception rather than the rule, and it is accepted that smaller gardens are desirable to occupants who have no interest in maintaining a large garden, or who are unable to. Smaller garden plots can be part of larger mix of house types in order to cater for a diverse market. Therefore, in this instance the provision of garden ground across the development is considered acceptable.

2.6.3 Making Fife's Places Supplementary Guidance requires 60 sq. m of open space to be provided on site per residential unit. For the proposed development, this equates to 4,200 sq. m of open space. Analysis of the submitted proposed site plan has confirmed that the proposed development would provide approximately 1,070 sq m of open space on the site, which is below the requirements set out within Making Fife's Places. Given the constraints of the site and the fact that the number of units has been reduced from the allocated estimation of 100 units to 70, a reduction in the amount of open space would be justified through the provision of play facilities that the applicant is proposing to supplement the open space provision on site. The calculation of open space has not included the green network that is being provided across the site but this feature would allow for further enjoyment of open space through the site further enhancing the site's open space provision.

2.6.4 In accordance with the Making Fife's Places Supplementary Guidance this development would not require a play area as it is for less than 200 units. The applicant however has proposed to provide a play area on site in lieu of a financial contribution towards any existing facilities, to the south east of the site. Final details of this would be required through condition. The proposed condition also specifies that the play equipment should ensure 'play for all'. The Planning Obligations Framework Guidance (2017) outlines that a contribution of £1,250 per unit should be provided for offsite play equipment improvements. This should be the equivalent spend for onsite play equipment at this site.

2.6.5 The submitted detailed landscaping plans show extensive areas of landscaping throughout the site. This includes a green corridor with extensive tree and shrub planting, a landscape buffer along the western boundary of the site, which includes low level planting which is appropriate for use along the existing water mains. Shrub planting is proposed to the north east of the site as a buffer between the development and the neighbouring site to the north east. Tree planting is proposed to supplement the existing trees to the north between the existing cottage and the gardens of the properties to the north of the site. The existing hedgerow which is identified as an existing Green Network Asset is proposed to be removed, however this would be replaced by a new green corridor which would contain appropriate replacement planting species to compensate for the loss of this asset. This is in accordance with FIFEplan Policy 3 which requires development to provide green infrastructure and also the green network requirements set out in site allocation CNH002. Conditions are proposed to ensure that suitable measures will be put in place for the future management and aftercare of the landscaping, play and open space areas.

2.7 Road Network and Parking

2.7.1 NPF 4 Policy 13 b) states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

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

2.7.2 FIFEplan Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure in a sustainable manner. This includes local transport and safe access routes which link with existing networks, including for walking and cycling.

2.7.3 Objection comments received note concern with increased street parking and increased traffic as a result of the proposed development. In this regard, Transportation Development Management Officers have reviewed the proposals and have concluded that there is sufficient parking provided within the development and there would be no adverse impact as a result of increased traffic from the proposed development, which would result in a road safety concern. FIFEplan notes that the site shall be provided with a vehicular access from the A994 by means of a 4-arm roundabout located mid-way between Glen Moriston Drive and give-way line on the A994/A985 roundabout. The vehicular access shall provide a link with allocated site CNH 005 to the north. Current planning application 21/00974/FULL for the allocated site CNH 005 proposes a vehicular access from the D13 (by means of a 3-arm roundabout) on the premise that there was no indication of a proposal for site CNH 002 progressing, which is no longer the case. The provision of a roundabout on the A994 at the mid-point between Glen Moriston Drive and the Cairneyhill roundabout with its northern arm serving sites CNH002 and CNH005 by means of a through route linking with Pitdinnie Road via Dovecot Avenue and Pitdinnie Avenue would provide the ideal solution from a transportation/ road safety/ urban design /site integration perspective (as shown on the approved Cairneyhill Option 2 masterplan 14/04038/PPP). However, this cannot be provided due to various landowners and developers and the applicant has not been in a position to deliver a solution to resolve this issue.

2.7.4 A Transport Appraisal of the impact of the proposed FIFEplan allocations on the local and trunk road network was prepared on behalf of Fife Council. The FIFEplan Transport Appraisal (FTA) includes site CNH002. The FTA concluded that the transportation intervention measures identified within the former Dunfermline and West Fife Local Plan can accommodate the trips generated by the additional FIFEplan allocations.

2.7.5 A Transport Assessment (TA) prepared by ECS Transport Planning Limited on behalf of the applicant has been submitted. The TA has followed the Transport Scotland Transport Assessment Guidance. The TA has considered person trips, not car trips and covered access by all modes of transport - walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport.

2.7.6 Objection comments received, including comments from the Cairneyhill Community Council expressed concern that there was no access proposed from the A994. Whilst this was the case in the originally submitted drawings, following discussions with the applicant, an access is now proposed to the A994. Transportation Development Management Officers have advised that the proposed provision of vehicular accesses from the A994 is acceptable. The footways have been amended to follow the carriageway kerb line and the possible future roundabout. Dwellings (plots 4 – 9 and 19 – 24) front the A994 between Glen Moriston Drive and the site access to encourage lower vehicle speeds, which is welcomed, and Traffic Management Officers have confirmed the proposed layout would provide sufficient justification for extending the 30mph limit to the junction with the A994/A985 roundabout.

2.7.7 Objection comments received note concern that the proposals do not connect to the rest of Cairneyhill and that the site is not well connected to Glen Moriston Drive or the adjacent Avant Homes sites. FIFEplan CNH002 allocation requires the vehicular and pedestrian relationship between this site and sites CNH 004, CNH 005, and CNH 006 to be determined through the master plan process. As discussed in paragraph 2.4.2 above, the approved Cairneyhill Option 2 masterplan cannot be delivered. The proposals include pedestrian links from the A994, Glen Moriston Drive and D13. The Glen Moriston Drive path link connects to land outwith the application site, but it does connect to a surfaced route. The proposals do not include sustainable links with site CNH 005 to the north or Glen Moriston Drive via the existing playground. The only sustainable links would be at the south and southeast corner of the site. The proposed layout therefore does not integrate with the proposed development to the north but following amendments to the connection routes and the layout, the proposal does better integrate with the existing Cairneyhill settlement.

2.7.8 The proposals indicate that Cairneyhill Primary School is within 600m walking distance. However, the shortest walking route from the middle of the site would be approximately 900 metres. The safer route to school would include the northern footway on the A994. The proposals also indicate that there is no dedicated cycle infrastructure within Cairneyhill. However, there is an existing on and off-route through Cairneyhill via Pitdinnie Road, Main Street and Muirside Road. The proposals include the provision of a 3 metres wide shared footway/cycleway on the A994 frontage of the site with the internal street layout providing a route through the site.

2.7.9 The proposals indicate that the nearest bus stops are located on the A994 on either side of the Glen Moriston Drive junction. These bus stops would be within a 400 metres walking distance of all the proposed dwellings. The bus stops are served by local (Dunfermline – Culross & Alloa) and express (Glasgow – Dunfermline – Glenrothes – St Andrews) services. To encourage use of

public transport a 2 metres wide footway should be provided on the southern side of the A994 within the adopted road boundary including dropped kerb pedestrian crossing point between the existing westbound bus stop and the east side of the proposed vehicular access. This requirement is recommended as a planning condition.

2.7.10 The TA indicates that 70 dwellings would generate 35 two-way trips in the AM peak and 34 two-way trips in the PM peak. The trip rates used are less than those used in the TA submitted in support of the adjacent application proposal. If the CNH 005 trip rates are applied, it would result in 51 two-way trips in the AM peak and 47 two-way trips in the PM peak. The TA has not carried out a traffic impact assessment on the adjacent road network, particularly the adjacent Cairneyhill Roundabout which is part of the A985 trunk road network. The TA submitted in support of 21/00974/FULL did include site CNH 002 as committed development with the vehicular access being from the A994.

2.7.11 The proposed street layout shows 70 dwellings served by a single point of vehicular access from the A994 with the street formed as a loop road with the affordable housing served by a parking court. Given that a vehicular access would not be accepted by Transportation Development Management Officers from the D13 for road safety reasons and the difficulty in providing a road link with CNH 005 to the north or Glen Moriston Drive to the east, a single point of vehicular access from the A994 would be accepted in this instance.

2.7.12 The loop road proposed is a combination of a traditional housing street with footways both sides of the carriageway and a shared surface street. The site layout has largely avoided the use of long straight streets, which is welcomed. The swept path submitted with the application has been carried out for a standard refuse vehicle. There is little room for error at the sharp changes in direction and it is likely that a refuse vehicle would regularly overrun and damage the carriageway kerbs. This could be amended by minor tweaks to the kerb alignment that would be addressed during consideration of the Roads Construction Consent application.

2.7.13 In regards to parking, the internal garage sizes for house types Blair (3 -bed), Ashworth, Calvert, Fincastle and Kennedy (all 4-bed) are all less than the minimum 7m x 3m requirement as set out within Making Fife's Places SG so do not count as a parking spaces. However, the required off-street car parking for each plot is being provided. House types Addison and Anson (3-bed) would be provided with 2 off-street parking spaces. House types Learmouth and Linton would be provided with a minimum of 3 off-street parking spaces. House type Lennox would contain an internal double garage which can count as 1 parking space and double width driveways would provide the required 3 off-street car parking spaces. The affordable dwellings in plots 53 – 65 require 23 communal parking spaces or 26 parking spaces if allocated 2 spaces each in the car park. The proposed site layout shows the provision of 27 parking spaces. The affordable dwellings in plots 67 – 70 would be provided with the required 2 off-street car parking spaces each. The proposed site layout requires 18 visitor car parking spaces and the proposed site layout shows the provision of 20 visitor parking spaces. The parking provision is therefore acceptable.

2.7.14 Overall, although the proposals would not provide sustainable links to the adjacent site as indicated in the masterplan in 2014/2015, amendments have been made to the layout to ensure that the site provides further sustainable links into Cairneyhill itself. Notwithstanding, Transportation Development Management Officers have concluded that, overall, it would be difficult to justify an objection for this reason alone, therefore, they have no objection to the proposed development subject to conditions as outlined above.

2.8 Residential Amenity

2.8.1 NPF 4 Policy 23 e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

2.8.2 Adopted FIFEplan Policy 10: Amenity advises that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to a number of factors including noise and construction impacts.

2.8.3 PAN 1/2011 (Planning and Noise) establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It states that it promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth. The WHO Guidelines (2015) are referred to as the standards which should be achieved for environmental noise. These include 50dB for external space with 55dB being considered an upper limit, 35dB for internal space through the day and 30dB for internal space through the night.

2.8.4 Fife Council's Planning Customer Guidelines on Daylight and Sunlight complement the aforementioned policies by advocating that the design of residential environments must seek to ensure that adequate levels of natural light can be achieved within new development and unacceptable impacts on light or sunlight to nearby properties are avoided. Fife Council's Planning Customer Guideline on Minimum Distances between Window Openings sets out British Industry Standards on the accepted distance between windows to ensure personal privacy is maintained.

2.8.5 Objection comments note concern that the proposed development would create overshadowing to existing residential properties outwith the site. The development within the site is largely set back from existing residential properties and thereby there would be no significant

detrimental impact on existing residential amenity of neighbouring properties from this development. This includes loss of privacy and sunlight/ daylight. Woodbank Cottage to the north would be the closest to the proposed units within the site however the gardens would be over 9m from the cottage's garden and over 18m from the house itself (approx. 28m). The proposed units would not cause any significant loss of sunlight or daylight for the existing properties. The proposed units would be set back by at least 9m from the neighbouring gardens and 18m from the existing houses.

2.8.6 A Noise Impact Assessment by Charlie Fleming (dated February 2023) has been carried out for the site. This looks specifically at road noise and the impact on the proposed units. The Noise Report notes that the units along the frontage of the site to the south, fronting the A994 would exceed the acceptable internal noise limits in an open window scenario at night time. To mitigate this, the applicant proposes to provide these plots with mechanical ventilation and acoustic glazing so that the residents would not need to open their windows if they considered the noise from the road to be unacceptable.

2.8.7 The REHIS guidance states that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided. The guidance specifies exceptional circumstances as proposals which aim to promote sustainable development and transport within the local authority area, and which would provide benefits such as:

- (a) reducing urban sprawl
- (b) reducing uptake of greenfield sites
- (c) promoting higher levels of density near transport hubs, town and local centres
- (d) meeting specific needs identified in the local development plan

Exceptional circumstances will, therefore, generally apply only to sites, which are small to medium in scale, within urban areas. This may include sites in established residential areas; brownfield sites; town and village centres, and sites near public transport hubs.

2.8.8 In this instance, it is considered that the mechanical ventilation option is acceptable for this site. In terms of the specified criteria, while the site is not brownfield or within the town centre or a transport hub it is at the edge of an established residential area and on established bus routes and close to sustainable modes of transport. The site also is allocated within the Adopted FIFE plan and therefore meets a specific need (housing) within the local development plan. The site is not considered to be urban sprawl as it is planned within the Local Development Plan. As the provision of mechanical ventilation only applies to units at the front of the site, it is considered that this would be a small number of units that would be affected. In addition, there are already several houses which front onto the A994 throughout Cairneyhill. It is also considered that the design and road safety benefits in fronting the A994 outweigh the noise impact particularly as there is sufficient noise mitigation to ensure the standards can be met. It should also be noted that mechanical ventilation in itself does not adversely affect the amenity of a resident. Mechanical ventilation is used as a method of providing air circulation in a house without draughts or the need to open windows and is more energy efficient. This forms part of a passive house which is energy efficient and mechanical ventilation is now used to meet the energy reduction requirements of the current Building Standards. Overall, it is considered that there is justification to accept mechanical ventilation for the units fronting the A994 for night time noise, as outlined above and it is not considered that these units would experience any significant reduction in residential amenity.

2.8.9 In terms of garden noise, all the gardens within the site meet the target noise level of 50dB. However, 1.8m high timber fences or masonry walls are required to the gardens of the plots to the north of the site and the south east, to ensure that the appropriate level of noise can be achieved.

A condition has been added requiring the provision of the mitigation within the Noise Impact Assessment. The condition also requires evidence that the limits have been met following development, as requested by Fife Council Environmental Health Officers.

2.8.10 Fife Council Environmental Health Officers have no objections to the proposals in terms of noise, subject to the validation condition described above.

2.8.11 Overall, the proposed development would not have a significant impact on the residential amenity of neighbouring properties. Internal residential amenity in terms of privacy, loss of daylight and sunlight is within the acceptable standards. The noise from the adjacent roads can be adequately mitigated. It is therefore, considered that the proposal complies with the NPF 4 Policy 23, FIFEplan Policy 10 and relevant Guidance in this regard subject to conditions requiring implementation of the acoustic mitigation measures specified in the submitted Noise Impact Assessment and further surveys to demonstrate compliance with the relevant standards.

2.9 Natural Heritage and Trees

2.9.1 NPF4 Policy 3 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. The most relevant sections of this policy in the assessment of the proposed development are as follows:

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories are required to demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

2.9.2 NPF4 Policy 6 aims to protect and expand forests, woodland and trees. It states that:

- a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- b) Development proposals will not be supported where they will result in:
 - i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
 - ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
 - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
 - iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

2.9.3 FIFEplan Policy 13: Natural Environment and Access states that development proposals will only be supported where they protect or enhance natural heritage and access assets including: trees that have a landscape or amenity value; biodiversity in the wider environment and protected and priority habitats and species. Where adverse impacts on existing assets are unavoidable proposals will only be supported where these impacts will be satisfactorily mitigated.

2.9.4 FIFEplan states that all development should be considered through Policy 1. The Greenspace record identifies the grassland as Open spaces and the adjacent tree lines as Semi-natural (the road verges of the western and southern boundaries are identified as Amenity spaces). Woodland included within the Fife Woodland Integrated Habitat Network (IHN) and Broadleaved IHN are located close to the western site boundary (on the other side of Sunnyside Road, opposite Woodside Cottage and near Silverburn) and to the south along the Torry Burn (this latter area is also included in the Ancient Broadleaved IHN, due to direct connectivity to an Ancient Woodland Inventory-listed compartment further downstream). The closest sites designated for nature conservation are over 500m from the site boundaries and no other green space or conservation priorities have been identified in close proximity or within a potential zone of influence.

2.9.5 Objection comments received have raised concerns that the proposals would adversely impact on existing ecology on the site, including birds within the hedgerows and some representations note concern at the loss of the hedgerow to the south of the site. A Preliminary Ecological Appraisal (Brindley Associates, February 2022) has been submitted with the application. The proposed mitigation and enhancement measures within the report are comprehensive and appropriate to the location. The identification of a variety of native species within the structural planting and native hedge mixes is compatible with the aims of the Council's biodiversity guidance and is welcomed. The proposal for the green corridor is welcomed as a replacement for the existing green corridor recognised as a Green Network Asset on the site.

2.9.6 In accordance with Making Fife's Places Supplementary Guidance (2018) the submitted Ecological Appraisal proposes biodiversity enhancement measures, alongside a Biodiversity Enhancement Report. This includes the provision of bat boxes and bricks, planting for bats and breeding birds, wildlife appropriate lighting and the provision of suitable habitat for invertebrates. A condition has been added requiring final details of the proposed enhancement measures. The Fife Council Natural Heritage Officer noted that the proposal complies with FIFEplan and Making Fife's Places subject to the measures defined in the Ecology Appraisal, Biodiversity Enhancement Report and Planting Notes and Landscape Maintenance and Management Proposals being implemented.

2.9.7 Objection comments received have highlighted that the trees at Glen Moriston Drive have not been considered in the assessment of the trees affected by the proposed development. Tree Protection Plans have been included and provide acceptable detail on how the trees to be retained on and adjacent to the site will be protected. The plans include all trees that may be affected by the proposals within our immediately adjacent to the site. The existing trees along the southern boundary of the site would be retained and protected, which is welcomed, as would the trees to the north and south west and east. To facilitate the proposed development 16 Category C trees and 4 Category C tree groups would be removed. In addition, two Category B trees would be removed (T2 and T16 – a Wych Elm and a Silver Birch, both of which are in fair condition). Landscape plans have been submitted, detailing planting procedures, and a maintenance plan. This includes detail on not strimming near the base of trees, or mowing too close, which is important since damage to the base of trees from mowing and strimming can cause serious long-term health problems to trees and is frequently evident in maintained areas. The proposed planting shows a diverse mixture of native, non-native, ornamental and fruit trees, including both broadleaves and conifers. Further, both trees and hedgerows will be planted, which will mitigate the 400 hedgerow stems to be removed. This will be of benefit to the natural character and amenity of the area and for biodiversity and habitat potential. The proposed outfall pipe would run between two trees along the boundary of the A994 to the south of the site. These trees are part of a group of trees identified as Category C trees. In order to ensure the roots remain undamaged, a condition is recommended to ensure that the developer uses a hand dig method for pipe installation at this location. Overall, the landscape proposal adequately mitigates the trees and shrubs proposed to be removed for development.

2.9.8 The proposal includes the 6m set back from the watercourse as required. There is the potential for this watercourse to be impacted on through pollution during the construction process. A Construction Environmental Management Plan is included as a requirement within the conditions. This would ensure the water course is protected as much as possible during construction and require mitigation should there be an incident.

2.8.9 The proposals comply with NPF4 Policies 3 and 6, FIFEplan Policies 1 and 13 and Supplementary Guidance Making Fife's Places in regards to natural heritage.

2.10 Contamination, Land Stability and Air Quality

2.10.1 PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. FIFEplan Policy 10: Amenity states that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to air quality, contaminated and unstable land.

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

2.10.3 A Site Investigation Report (Mason Evans February 2023) has been submitted with the application. The report notes that, given the lack of contamination on the site, the existing water supply pipes could be used for the development. Land and Air Quality Officers advised that, should further investigation or upgraded pipes be considered necessary, details of these should be provided within the reports that would be submitted under the appropriate conditions outlined below. The Council's Land and Air Quality Team has confirmed that with the inclusion of conditions requiring further information, including a contaminated land risk assessment and remedial action statement, they have no objection to the proposal. The Land and Air Quality Team also reviewed the submitted Air Quality Impact Assessment Addendum and confirmed that the findings of this are satisfactory.

2.10.4 The proposed development is considered to be acceptable and in accordance with FIFEplan Policy 10 and NPF 4 Policies 9 and 23 subject to the above noted conditions.

2.11 Flooding and Drainage

2.11.1 NPF4 Policy 20 states that b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances. NPF4 Policy 22 states that a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or. iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

2.11.2 Also, of relevance to the assessment of the proposal is NPF4 Policy 22. Policy 22 states that:

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

2.11.3 FIFEplan Policy 3: Infrastructure and Services requires development to be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Such infrastructure includes foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.11.4 FIFEplan Policy 12: Flooding and the Water Environment states that development proposals will only be supported where they can demonstrate compliance with a number of criteria including, they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere.

2.11.5 The FIFEplan allocation states that: 'A Flood Risk Assessment requires to be undertaken prior to development on this site. A 6m buffer strip between the development and the watercourse is required. This site along with site CNH004, CNH005, and CNH006 will contribute to providing settlement wide improvements to the local flooding and drainage network and provide new Sustainable Urban Drainage Scheme (SUDS) solutions to resolve issues associated with localised flooding.'

2.11.6 Various objection comments received, including comments from the Cairneyhill Community Council, have raised concerns that the proposed development would exacerbate the existing situation in the surrounding area in regards to flood risk, including existing drainage issues at Glen Moriston Drive and flooding along the burn during heavy rain. A Flood Risk Assessment has been submitted with the application. Fife Council Flooding Shoreline and Harbours Officers have reviewed all information submitted in regards to surface water and flood risk and they have no objections to the proposals. The development is proposed to drain to the Torry Burn via an outfall pipe which runs down to an existing surface water manhole 140m south east of the site at Station Road. Surface water would flow to the SUDS basin located to the south east of the site, via a pipe

network. The discharge rate of the water from the SUDS basin to the Torry Burn would be controlled via a vortex control, which would restrict the surface water discharging to the watercourse to an appropriate rate, as accepted by Fife Council Flooding, Shoreline and Harbours. All calculations have been carried out using the 200 year storm event, including 40% uplift for climate change. The Flood Risk Assessment submitted with the application concludes that in the 200 year and 200 year plus climate change events, the lowest point of the northern end of the site would be inundated along the bank of the Rushy End Burn. All proposed development would be located outwith the floodplain and a buffer zone of 6m is included within the layout, between the watercourse and any development. Overall, with the drainage design and strategy proposed, the existing flooding situation would not be worsened by the proposed development. The development is designed to improve the current situation in regards to drainage and flooding, by way of an appropriately designed SUDS system which would restrict the flow of water to the watercourse to a lesser rate.

2.11.7 SEPA have been consulted in regards to flood risk and they have no objections to the proposals. SEPA noted some points in their final consultation response. They noted that Plot 66 and houses to the south were close to the flood plain and Fife Council Flooding, Shoreline and Harbours (FSH) should be satisfied that the entire plot would be at least 600mm above the flood level. This point has been confirmed by the applicant and agreed by FSH. They also noted that attenuation should be at the 200 year plus climate change rate, which has been confirmed. They mention in their response that the Local Authority should be satisfied with the proposed surface water drainage, which FSH have confirmed that they are satisfied with, as detailed in paragraph 2.11.6.

2.11.8 Objection comments raise concern that the SUDS pond at the adjacent site to the north east (allocated site CNH005) does not work and they therefore raise concern that the proposed SUDS pond for this site would not work. As discussed above, the SUDS design and strategy has been reviewed by the Fife Council Flooding, Shoreline and Harbours Team and they are satisfied that the proposed drainage system would work. The applicant has provided signed check certificates with the application, which confirms that Scottish Water would maintain the SUDS and that the drainage has been designed and will be built in accordance with the SUDS Manual (2015) and that the signed professional accepts liability for the SUDS design.

2.11.9 As a residential development on a greenfield site, the proposal would not accord with the general presumption of 'no development on sites at risk from flooding', however NPF4 Policy 22(a) describes when development proposals at risk of flooding or in a flood risk area will be supported. The proposal would comply with parts (c, d and e) of the policy, as well as Policies 16(a) and 20(b). The proposed development would not increase the risk of surface water flooding and would manage surface water through SUDS incorporated into the landscape proposals for the development whilst avoiding the need to connect with the combined sewer (Policies 20(b) and 22(c)), with the applicant proposing to connect to existing Scottish Water infrastructure (Policy 22 (d)), and the development shall also enhance opportunities for natural flood risk management (Policy 22(e)). It is also noted that the area of the site identified as being at risk of surface water flooding is small. No buildings are proposed within this area. Given the extent of area of flood risk within the site and as the proposed development would manage surface water through

appropriately designed SUDS, and as the site is allocated for residential development in FIFEplan (2017), it is considered that the proposed development can be supported by NPF4 with regard to flood risk and water management considerations. A 6 metre buffer strip will be maintained between the development and the watercourse as required by the site's FIFEplan allocation. The proposed development is in compliance with FIFEplan Policies 3 and 12 and the requirements of the Fife Council Sustainable Drainage Systems (SUDS) - Design Criteria Guidance Note.

2.11.10 The proposals comply with the terms of NPF4 Policy 20 and 22, FIFEplan (2017) Policy 3 and 12 and the FIFEplan allocation (ref: CNH002) in regards to flooding and drainage.

2.12 Archaeology

2.12.1 NPF 4 Policy 7 applies and states that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that the potential impacts can be assessed.

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

2.12.3 An objection comment received, raises concerns that archaeological remains on the site have not been considered. In this regard, the applicant has submitted an Archaeological Desk Based Assessment with the application (AOC Archaeology Group, April 2022). The assessment concludes that there is a potential for archaeological remains to be present on site and suggests an appropriate condition requiring the submission of a programme of archaeological work. Fife Council's Archaeologist has been consulted. He has advised that the known concentration of prehistoric archaeology in the immediate area, taken together with cropmark evidence, the landscape setting and the footprint size of the proposal suggests that development has the potential to impact on buried archaeological deposits. He confirms that the field should be evaluated, and the turnpike road should be sectioned and examined before it is removed. A

condition requiring the submission of a programme of archaeological work is therefore recommended and these works would be carried out prior to works commencing on site.

2.12.4 The proposals comply with the terms of NPF4 Policy 7, FIFEplan (2017) Policy 14 and Making Fife's Places Supplementary Guidance (2018) in regards to archaeology, subject to the aforementioned condition.

2.13 Affordable Housing

2.13.1 NPF 4 Policy 16 e) states that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where a higher or lower contribution is justified. PAN 67 states that 'pepper potting' and large grouping of tenure should be avoided with small groupings preferable. FIFEplan Policy 2 states that open market housing development must provide affordable housing at the levels shown in Figure 2.2 for each Housing Market Area (HMA), consistent with the Affordable Housing Supplementary Guidance. This should be fully integrated into new development and be indistinguishable from other forms of housing. In order to achieve mixed and balanced communities, mixed tenure developments will be promoted.

2.13.2 Objection comments received question why the application site was chosen by the developer to locate affordable housing rather than choosing multiple other sites in Dunfermline. They note concern that the site is not suitable for affordable housing because of previous flooding incidents on the site and also because the demographics of the surrounding community is not compatible with affordable housing. The objection comments state that affordable housing is not required on this site. As noted in paragraph 2.13.1 development proposals for new homes are required to make provision for affordable homes. Fife Council's Affordable Housing Supplementary Guidance sets out that housing developments in the Dunfermline Housing Market Area are required to provide 25% affordable housing on the site. The proposal is for an overall development of market housing and not affordable housing, the site has been allocated in the Local Development Plan for housing and therefore has been considered suitable for housing, therefore the comments from the objectors in regard to the choice of site is not applicable. The Fife Council Affordable Housing Supplementary Guidance sets out that the provision of affordable housing on site is the preferred option, before off-site or commuted sums are considered. Fife Council Housing Team have reviewed the proposals and have advised that they have no objections to the proposed affordable housing mix. Further objection comments raise concerns that the affordable housing has been segregated from the rest of the development and therefore does not integrate into the development. The design aspect of this comment has been considered in paragraph 2.5.10. Further to this, it is considered impractical for the affordable housing properties to be spread out throughout the site, in terms of maintenance, by the Registered Social Landlord or Fife Council Housing and they therefore prefer their units to be situated together on a site. This does not mean that the units are segregated from other market units as they would be

immediately adjacent to the proposed market units. Further to this, it is considered that the affordable units are located in a desirable position, adjacent to the open space and near to transportation options and the centre of Cairneyhill.

2.13.3 Objection comments express concern that there is no confirmation of the Registered Social Landlord and the mix is unclear. There is a requirement for this development to provide 25% affordable housing in accordance with the requirements for Dunfermline Housing Market Area, as per the Affordable Housing Supplementary Guidance. The proposed development provides 18 of the proposed 70 units as affordable homes. The affordable units would incorporate a mix of cottage flats, two storey terraced and semi-detached houses which would comprise two, three and four bedrooms. Fife Council's Housing and Neighbourhood Service reviewed the proposals and has no objections to the proposed mix, although it is still to be fully agreed. The applicant has provided sufficient information on the affordable housing proposals to fully meet the requirements of Policy and guidance in relation to the requirement for the provision of affordable housing on site. The affordable housing would be secured through a Section 75 legal agreement, which will Fife Council Affordable Housing would be involved in finalising.

2.13.3 The proposed development meets the requirements of NPF 4 Policy 16 and FIFEplan Policy 2 in relation to the provision of affordable housing, the delivery of and full details of which can be secured via a Section 75 legal obligation.

2.14 Education

2.14.1 Objection comments received note concern regarding the proposed development's impact on schools. Concerns have been raised within representations that the development would contribute towards schools outwith Cairneyhill. In this regard, NPF 4 Policy 18 applies and states that the impacts of development proposals on infrastructure should be mitigated and that proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Policy 4 of the adopted FIFEplan (2017) states that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. The kinds of infrastructure to which this policy applies include transport, schools, affordable housing, greenspace, public art and employment land. The contributions will mitigate development impact by making a contribution to existing infrastructure, or providing additional capacity or improving existing infrastructure; or providing new infrastructure. Fife Council's Planning Obligations Framework Guidance (2017) re-iterates this advice and contains more recent and up to date calculations and methodologies with regards to existing infrastructure. It is, therefore, considered that the calculations from this Guidance should be used in this instance as this document provides the most recent and accurate calculations with regards to planning obligations.

2.14.2 The Education Service has been consulted and confirm that the site is within the catchment of Torryburn Primary School; St Serf's Roman Catholic Primary School; Queen Anne High School; and St Columba's Roman Catholic High School. The site is not located within the catchment area of Cairneyhill Primary School. However, as this site is located to the west of the

Cairneyhill settlement and is in closer proximity to Cairneyhill Primary School, the Education Service has considered the impact on Cairneyhill Primary School, St Margaret's Roman Catholic Primary School, Queen Anne High School, St Columba's Roman Catholic High School and Rosyth to Cairneyhill local nursery area in relation to any capacity impacts. The rationale for this decision is that this development is likely to be encompassed within the Cairneyhill community. In response to the representations regarding the development contributing towards schools outwith Cairneyhill, as noted above, the schools taken into consideration are ones which are likely to be impacted by the development and any contributions sought are sought to address capacity issues resulting from the proposed development, not to improve the nearest schools.

2.14.3 In accordance with the Fife Council Planning Obligations Framework Supplementary Guidance 2017, a Dunfermline-wide approach will be utilised to address secondary school capacity issues in a cumulative manner to meet the cost of development-related education capacity requirements. The cumulative impact of proposed strategic and non-strategic housing development in the catchment area will create a shortfall in secondary capacity. The cost of the work to accommodate the additional pupils is estimated at £36m, to be funded on a pro-rata basis by all eligible housing development across the catchment areas. The equivalent cost per 3-bedroom unit is £6,067.

2.14.4 In accordance with Fife Council Planning Obligations Framework Supplementary Guidance 2017, planning obligations will be required to contribute towards additional primary school capacity. Pupil projections, including the expected house completion rates of known effective housing sites, indicate that there is currently a capacity risk at St Margaret's Roman Catholic Primary School. The estimated cost of providing additional teaching areas at St Margaret's Roman Catholic Primary School is £1.05m, to be funded on a pro-rata basis by all eligible housing development across the catchment area.

2.14.5 Objection comments received state that they do not agree with the Education Service that Cairneyhill Primary School has sufficient capacity to take this development. Education Service have advised that there are no capacity risks expected to occur at Cairneyhill Primary School or St Columba's Roman Catholic High School, therefore contributions would not be sought towards these schools. Education and Property Services have based their calculations on the effective housing sites in the area, school roll figures and the number of classes available to establish whether they anticipate there to be any capacity issues at the school resulting from this proposed development. Using these figures, they have established that at Cairneyhill Primary School, there would be 10 classes available in the school between 2022 and 2030, and using their modelling, the number of classes required will reduce in 2024 to 8 from 9, and then will increase to 9 until 2030 when the number of classes required will reduce again to 7. Therefore, based on the modelling carried out, which is accurate based on the figures that Education and Property Service routinely use, the classes required will fall below the number of classes available in the school at least until 2030.

2.14.6 In accordance with the Planning Obligations Framework Supplementary Guidance, the proposal should contribute towards the Dunfermline wide approach to address secondary school capacity issues and the St Margaret's Primary School solution.

2.14.7 Subject to the above planning contributions, which would be sought through a Section 75 legal agreement, the proposals would meet the requirements of NPF4 Policy 18, FIFEplan Policy 4 and the Fife Council Planning Obligations Framework Supplementary Guidance.

2.15 Public Art

2.15.1 The Planning Obligations Framework Guidance (2017) and FIFEplan Policy 4 sets out when public art is required and ties to the Making Fife's Places Supplementary Guidance (2018) which provides further details on how public art should be integrated into a site and when and where this should be provided.

2.15.2 As this is an application for a major development, public art would be required. The proposals indicate that the public art would be focused within the re-aligned green corridor, which would make reference to the original route. This approach is welcomed. A condition is recommended requiring the submission of a Public Art Strategy to provide and agree these details. This would also specify the need for public consultation and the need for detail on the level of cost apportioned to the art.

2.15.3 The development would comply with the relevant policies and planning guidance subject to the aforementioned condition.

2.16 Sustainable Development

2.16.1 NPF4 Policies 1 and 2 apply and encourage development to address the climate crisis.

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

1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
 2. Construction materials come from local or sustainable sources;
 3. Water conservation measures are in place;
 4. Sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and
 5. Facilities are provided for the separate collection of dry recyclable waste and food waste.
- All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars.

2.16.3 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that all major developments should provide information about the energy use of a development to demonstrate that the requirements of FIFEplan Policy 11 regarding CO₂ emission reduction targets have been met (including how renewable and low-carbon energy technologies will be incorporated into the development); and will ensure that energy is an integral part of the development's design and evolution.

2.16.4 The applicant confirms that greenhouse gases will be reduced within the proposed development through the adoption of “fabric first” principles supplemented by renewable technologies. The proposed houses would be resource efficient and include products that have been developed to fully comply and exceed the most up to date Building Standards Regulations in Scotland. The proposals include renewable technology in the form of PV panels, smart thermostats with zone controls and energy efficient radiators positions in the most efficient locations to reduce wasted heat. Electric car charging points can be provided at each plot should the homebuyer request one.

2.16.5 The site is not within 1km of a district heat network. Therefore, the applicant is not required to investigate connection into the district heat network within Dunfermline.

2.16.6 The proposed development includes a sustainable drainage system to ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment. Fife Council Flooding, Shoreline and Harbours Team have confirmed that the proposed sustainable drainage system is acceptable.

2.16.7 The collection of dry recyclable waste and food waste shall be in full accordance with the management process currently provided by Fife Council. To cater for Fife Council’s “4 bin” service, suitable and adequate hardstanding areas will be provided within the curtilage of each property for the storage of wheeled refuse and recycling containers.

2.16.8 The proposed development is in accordance with NPF Policies 1 and 2 and FIFEplan Policy 11 in relation to low carbon and sustainability.

2.17 Planning Obligations

2.17.1 Objection comments received set out concerns that the development would not contribute towards infrastructure, including health care, pharmacies, shops and schools. Objection comments also express concern that it is unclear what contributions the developer is required to provide. Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out Scottish Government expectations on the role planning obligations will play in addressing the infrastructure impacts of new development. The circular requires that planning obligations meet all the five tests as set out in paragraphs 14-25 of the circular. A planning obligation should be necessary to make the proposed development acceptable in planning terms; serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; fairly and reasonably relate in scale and kind to the proposed development and be reasonable in all other respects.

2.17.2 Policy 18 (Infrastructure First) of NPF4 states that development proposals which provide (or contribute to) infrastructure in line with that identified in LDPs will be supported. This policy further requires that the impacts of development proposals on infrastructure should be mitigated.

2.17.3 Policy 1, Part B, criterion 1 of the FIFEplan advises that development proposals must mitigate against the loss of infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure. Policy 4 of the FIFEplan

advises that developer contributions will be required from development if it will have an adverse impact on strategic infrastructure capacity or have an adverse community impact. Policy 4 also states that developments, other than a change of use of employment land or leisure site, will be exempt from these obligations if they are for the re-use of derelict land or buildings, previously developed land, or the rehabilitation of contaminated land within a defined settlement boundary.

2.17.4 Fife Council's Planning Obligations Framework Guidance (2017) advises that planning obligations will be requested by Fife Council as Planning Authority to address impacts arising from proposed development activity consistent with the tests set out in Circular 3/2012. The guidance describes when planning obligations will be sought, where exemptions will apply, and how methodologies will be applied when considering the impacts, a proposed development will have on existing infrastructure. The priorities to be addressed are educational provision, transport, affordable housing development, greenspace, public art, and employment land.

2.17.5 The Planning Obligations Framework Guidance advises that planning obligations will not be sought for the construction of residential development of fewer than ten houses, Town Centre redevelopment, listed building conversions, brownfield sites (previously developed land), rehabilitation of contaminated land (excluding mine workings) within a defined settlement or changes of use. The Planning Obligations Framework Guidance advises that where a proposed development would create a critical infrastructure capacity issue, particularly in terms of the primary school estate, contributions may still be required. Previously developed land is defined within the Planning Obligations Framework Guidance as land or site that have previously been developed and this could include vacant or derelict sites, infill sites, land occupied by redundant or unused buildings and employment land which is not in operational use.

2.17.6 In response to the representations received from members of the public regarding the impact of the development on healthcare services locally, this is not an issue that can be addressed by the planning system. The NHS operate a list system which allocates a certain number of registered patients per GP. If a GP has too many patients registered, then funding is available for a new GP as part of that practices business case to expand services where required to meet additional demand. The funding of healthcare is an issue for central government. GP practices are often run as individual businesses who make a business case to expand and establish the practices if they seek to do so. This remains a matter that is closely monitored and Council officers periodically liaise with those from NHS Fife during the Local Development Plan implementation or review process and will continue to consult NHS Fife in relation to large-scale or significant development proposals that could potentially impact on healthcare service provision. NHS Fife were consulted as part of a wider discussion with NHS Fife on development within Fife. NHS Fife were consulted specifically on this application and did not respond to a consultation request for their comments.

2.17.7 No planning contributions can be taken without specific mitigation being identified and costed. In line with Circular 3/2012 the developer can only pay what is directly attributed as their impact. This has not been specified for this application. Moving forward, the Planning Authority will be requesting that NHS Fife set out an overall strategy for expanding their estate to deal with any capacity constraints and outline the cost of this and how this should be attributed to developments. This would be positioned within any revision of the Planning Obligations Supplementary Guidance. Without this information and the policy support, no contribution can be taken for this development for healthcare services, and this would be the same for shops. All other infrastructure that the development would be expected to contribute towards is set out below.

2.17.8 The site is greenfield land, therefore is not exempt from planning obligations, apart from in respect of the affordable housing within the development.

Education

2.17.9 In accordance with the Fife Council Planning Obligations Framework Guidance (2017), a Dunfermline-wide approach will be utilised to address secondary school capacity issues in a cumulative manner to meet the cost of development-related education capacity requirements. The cumulative impact of proposed strategic and non-strategic housing development in the catchment area will create a shortfall in secondary capacity. The cost of the work to accommodate the additional pupils is estimated at £36m, to be funded on a pro-rata basis by all eligible housing development across the catchment areas. The equivalent cost per 3-bedroom unit would be £6,067. The total contribution would therefore be (based on 19 3 bed units at 100% and 33 4 bed units at 125%) £364,052.

2.17.10 In accordance with Fife Council Planning Obligations Framework Guidance (2017), planning obligations will be required to contribute towards additional primary school capacity. Pupil projections, including the expected house completion rates of known effective housing sites, indicate that there is currently a capacity risk at St Margaret's Roman Catholic Primary School. The estimated cost of providing additional teaching areas at St Margaret's Roman Catholic Primary School is £1.05m, to be funded on a pro-rata basis by all eligible housing development across the catchment area. The cost, per 3-bedroom unit would be £225.26. The total contribution would therefore be (based on 19 3 bed units at 100% and 33 4 bed units at 125%) £13,590.

Green Infrastructure and Open Space

2.17.11 The FIFEplan (2017) Local Development Plan Site Allocation (CNH002) sets out that the site will 'make provision for a multi-use community facility'. This is a requirement set out alongside Allocation CNH005, of which, Phase 1 has been completed. As part of Phase 1 of the adjacent site, the developer has provided the full funding for the community facility and a Multi-Use Games Area (MUGA) has been constructed to fulfil this requirement. The MUGA was constructed by Fife Council and is complete and operational. The funding for the community facility should be equally split between the three sites that include the requirement for the community facility within the LDP allocation. The amount paid by the developer was £101,321.86. The proportionate amount that this development would therefore pay, split between the three sites (350 units according to the LDP allocations) would be £289.49 per residential unit. Minus affordable housing, which is exempt from contributions, would be £386 per unit. The total contribution would therefore be £20,072 for the 52 market units for this site's proportionate share.

Affordable Housing

2.17.12 There is a requirement for this development to provide 25% affordable housing in accordance with the requirements for Dunfermline Housing Market Area. The proposed development proposes to provide 18 affordable units of the proposed 70 units.

Employment Land

2.17.13 The site allocation sets out a requirement to 'cross fund the provision of employment land on site CNH 002'. Upon consultation with the Policy Team and Economic Development Team, the reason for the requirement for this contribution is unclear. The requirement relates to

the development site itself (CNH002) which is allocated purely for residential development, with no employment land allocation on the site, nor has there been employment land on this site previously. There is no evidence to justify the requirement of any contribution towards employment land and therefore requesting a Planning Obligation towards employment land would not meet the tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements. No contribution towards employment land is therefore requested.

Transportation

2.17.14 The site is located within the Dunfermline Intermediate Zone as identified within the Planning Obligations Framework Guidance (2017). As such, a contribution of £2,428 per residential unit is required. Again, this contribution applies to market units only, with affordable housing exempt from these contributions. The total contribution would therefore be £126,265.

2.17.15 Subject to the aforementioned contribution requirements, which would be set out within a Section 75 legal agreement, the proposed development would not create an adverse impact on infrastructure that cannot be addressed. The proposals therefore meet the requirements of NPF4 Policy 18, FIFEplan (2017) Policy 4 and the Fife Council Planning Obligations Framework Guidance (2017).

CONSULTATIONS

Structural Services - Flooding, Shoreline And Harbours	No objections.
TDM, Planning Services	No objections, subject to conditions.
Urban Design, Planning Services	Comments discussed further in the main report.
Environmental Health (Public Protection)	No objections, subject to condition.
Scottish Environment Protection Agency	No objections.
Archaeology Team, Planning Services	No objections, subject to condition.
Trees, Planning Services	No objections, subject to conditions.
Land And Air Quality, Protective Services	No objections, subject to conditions.
Business And Employability	No comments.
Scottish Water	No objections.
NatureScot	No comments.
NHS Fife	No response.
Education (Directorate)	No objections, subject to legal agreement.
Housing And Neighbourhood Services	No objections.
Transportation And Environmental Services - Operations Team	No response.
Parks Development And Countryside	No response.
Scottish Environment Protection Agency	No objections.

REPRESENTATIONS

13 objections have been received overall, including one from the Cairneyhill Community Council and 3 objection comments received after re-notification was carried out for the amendment to the red line boundary in March 2023.

The concerns raised in the submitted objection comments are summarised below.

1. The adjacent drainage pond by Avant Homes does not work and the proposed SUDS will not work either.
 - Addressed in paragraph 2.11.8
2. Increase in pollution from additional vehicles.
 - An Air Quality Impact Assessment has been provided by the applicant and reviewed by Fife Council Land and Air Quality Officers. It is not considered that the proposals would create a significant detrimental impact on the air quality of the surrounding area.
3. A section of land at the Glen Moriston Drive is not included in the site boundary
 - The applicant does not own this section of land and has been unable to attain ownership or details of ownership, therefore this section of land had to be omitted from the applicant's plans. Land ownership is not a material planning consideration.
4. The information regarding street names was incorrect in the Design and Access Statement.
 - An amended Design and Access Statement was submitted, and street name errors corrected.
5. There was no engagement with the residents of Cairneyhill following the further neighbour notification letter after the red line boundary amendment.
 - Addressed in paragraph 1.4.3
6. The application site is not allocated in the Local Development Plan
 - Addressed in Paragraph 2.3.4
7. The development would incur loss of green space as the proposals would be developing a greenfield site.
 - Addressed in paragraph 2.3.5
8. Concern regarding agricultural land being lost as a result of the development.
 - Addressed in paragraph 2.3.6
9. Concerns that the proposed affordable housing would be grouped together.
 - Addressed in paragraph 2.5.10 and 2.13.2
10. Concern with increased street parking and increased traffic as a result of the proposed development.
 - Addressed in paragraph 2.7.3
11. Concern that there was no access proposed from the A994
 - Addressed in paragraph 2.7.6
12. Concern that the proposals do not connect to the rest of Cairneyhill and that the site is not well connected to Glen Moriston Drive or the adjacent Avant Homes sites.
 - Addressed in paragraph 2.7.7

13. Concern that the proposed development would create overshadowing to existing residential properties outwith the site
 - Addressed in paragraph 2.8.5
14. Concerns that the proposals would adversely impact on existing ecology on the site, including birds within the hedgerows and some representations note concern at the loss of the hedgerow to the south of the site.
 - Addressed in paragraph 2.9.5
15. The trees at Glen Moriston Drive have not been considered in the assessment of the trees affected by the proposed development
 - Addressed in paragraph 2.9.7
16. Concerns that the proposed development would exacerbate the existing situation in the surrounding area in regards to flood risk, including existing drainage issues at Glen Moriston Drive and flooding along the burn during heavy rain.
 - Addressed in paragraph 2.11.6
17. Concerns that archaeological remains on the site have not been considered.
 - Addressed in paragraph 2.12.3
18. Queries as to why the application site was chosen by the developer to locate affordable housing rather than choosing multiple other sites in Dunfermline.
 - Addressed in paragraph 2.13.2
19. Concern that the site is not suitable for affordable housing because of previous flooding incidents on the site and also because the demographics of the surrounding community is not compatible with affordable housing.
 - Addressed in paragraph 2.13.2
20. Affordable housing is not required on this site.
 - Addressed in paragraph 2.13.2
21. Concern that there is no confirmation of the Registered Social Landlord and the mix is unclear
 - Addressed in paragraph 2.13.3
22. Concern regarding the proposed development's impact on schools and that the development would contribute towards schools outwith Cairneyhill.
 - Addressed in paragraph 2.14.1 and 2.14.2
23. Concerns that the development would not contribute towards infrastructure, including health care, pharmacies, shops and schools.
 - Addressed in paragraph 2.17.1 - 2.17.7
24. Do not agree with Education that Cairneyhill Primary School has sufficient capacity.
 - Addressed in paragraph 2.14.5
25. Unclear whether the wire fence near plots 10 – 14 will be retained.

- The boundary treatment plan (PL-13 C) shows that the applicant proposes no new boundary treatments at that location, thereby retaining the existing boundary treatments.
26. Lack of detail on what contributions would be required from the developer and who this would be provided to.
- Addressed in paragraphs 2.17.1 - 2.17.15.

Non material planning considerations:

- The development is a place to boost statistics on low cost rentals with minimum effect on more affluent developments elsewhere in Fife.
- The SUDS pond would attract children and would be dangerous.
- The affordable housing should not be located adjacent to the demographics of the area where they are proposed as they would create more noise than other housing.
- Flood damage would increase insurance premiums and other costs for existing residents
- House prices would be affected by the proposals

CONCLUSIONS

The application for 70 residential units has been assessed against the terms of the development plan and other material considerations in relation to the principle of development, design, visual impact, landscape, open space, garden ground, residential amenity, trees, natural heritage, road network, parking, air quality, contaminated land, flooding, drainage, education, affordable housing, public art, archaeology and sustainability. In all aspects the proposals fully accord with the Development Plan and other material considerations subject to a Section 75 legal obligation and conditions.

RECOMMENDATION

It is accordingly recommended:

A. That the application is approved subject to the undernoted conditions and reasons, following the conclusion of an agreement to secure the necessary planning obligations, namely:-

- 1) £225.26 per 3-bed unit (excluding affordable units) towards St Margaret's Roman Catholic Primary School;
- 2) £6,067 per 3-bed unit (excluding affordable units) towards the Dunfermline Secondary School solution;
- 3) £2,428 per residential unit (excluding affordable units) towards the Strategic Transport Interventions;
- 4) 25% affordable housing;
- 5) £292 per residential unit (excluding affordable units) towards the constructed MUGA

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 necessary to secure the planning obligations.

C. That should no agreement be reached in relation to the planning obligations within 6 months of the Committee's decision, authority is delegated to the Head of Planning Services in consultation with the Head of Legal & Democratic Services to refuse the application.

and the following conditions and reasons:

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

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

2. Prior to the occupation of each house, the access driveway shall be constructed to the satisfaction of Fife Council as Planning Authority at a gradient not exceeding 1 in 10 (10%) and shall have appropriate vertical curves to ensure adequate ground clearance for vehicles. The driveway widths shall not exceed 5 metres.

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

3. Prior to occupation of the first dwelling within the site, visibility splays 2.4 metres x 43 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the proposed vehicular access with the A994 in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

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

4. Prior to occupation of the first dwelling within the site, visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at all internal junctions of prospectively adoptable roads in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

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

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

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

6. Prior to occupation of each house the off-street car parking for that plot shall be provided as shown on document 03C shall be provided. The parking spaces shall be retained through the lifetime of the development.

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

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

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

8. All garages adjacent to dwellinghouses shall be located at least six metres from the road boundary and all driveways in front of dwellings shall have a minimum length of six metres from the road boundary.

Reason: In the interest of road safety; to ensure the provision of adequate space for vehicles to stand clear of the public road.

9. Before any works (including construction) start on site full details of adequate wheel cleaning facilities shall be provided at the entrance/exit to the site to ensure that no mud, debris, or other deleterious material is carried by vehicles onto the public roads shall be submitted for approval in writing by the Planning Authority. The approved facilities shall be provided, retained, and maintained for the duration of operations on the site.

Reason: In the interests of road safety; to eliminate the deposit of deleterious material on public roads.

10. Works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines. Work shall include the following:

- Prior to the occupation of the first unit, the provision of a 2 metres wide footway on the southern side of the A994 within the adopted road boundary including dropped kerb pedestrian crossing point between the existing westbound bus stop and the east side of the proposed vehicular access shall be provided.
- Within 1 week of the extension to the 30mph Order on the A994 being made, a gateway scheme including a pair of 30mph/NSL signs: relocation of "Cairneyhill – Drive Safely" signs; carriageway narrowing to 6 metres over a 5 metres length; and road markings shall be provided.

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

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

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

12. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the 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.

13. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 12. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

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

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

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

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

15. Vegetation removal shall not take place at any time between March and August (inclusive) in any calendar year unless otherwise agreed in writing with the Planning Authority following the submission of an updated breeding bird survey.

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

16. The development shall be implemented in accordance with the recommendations set out within the Ecological Appraisal by Brindley Associates (February 2022) unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interests of protecting the ecology of the site.

17. The development shall be implemented in accordance with the approved Biodiversity Enhancement Plan by Brindley Associates (March 2023) unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interests of enhancing biodiversity of the site.

18. PRIOR TO ANY WORKS STARTING ON SITE, a Scheme of Works designed to mitigate the effects on sensitive premises/ areas (i.e. neighbouring properties and road) of dust, noise and vibration from the proposed development shall be submitted and approved in writing by Fife Council as Planning Authority for written approval. The use of British Standard BS 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) should be consulted. The dust control measures shall reflect the conclusions of the Air Quality Assessment submitted with the application. The Scheme of Works shall provide details of the proposed working times for the site during construction. Development shall take place in accordance with the details approved through this condition.

Reason: In the interests of residential amenity.

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

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

20. PRIOR TO ANY WORKS COMMENCING ON SITE, details, including scaled elevations, of all external boundary treatments shall be submitted to and agreed in writing with the Council as Planning Authority. Thereafter the external boundary treatments shall be constructed and finished in full accordance with the agreed details prior to occupation of the relevant residential units.

Reason: To define the terms of this permission and ensure that the boundary treatments are in-keeping with the character of the surrounding area.

21. PRIOR TO ANY WORKS STARTING ON SITE, a public art strategy including the details of the proposed items of work relating to this strategy shall be submitted for the written approval of Fife Council as Planning Authority. The strategy shall demonstrate that the value of the works contributing to the public art strategy shall meet the terms of the Council's Guidance on Public Art in terms of the financial value of the items of work. The strategy shall propose a scheme of public consultation which shall involve Local Members and local community group or groups (if available) and shall include a phasing timescale for the implementation of the public art works. Thereafter the public art works shall be carried out entirely in accordance with the details and phasing approved under this condition.

Reason: To ensure the development contributes to the quality of the environment and meets the terms of the Council's guidance on public art.

22. The SUDs and drainage infrastructure shall be constructed contemporaneously with the construction of the residential units and infrastructure on site and shall be complete and fully operational before the completion of the last unit on site.

Reason: To ensure the site has adequate drainage infrastructure.

23. Within one week of the SUDS basin being installed, certification shall be submitted to Fife Council as planning authority from a chartered engineer that the SUDS basin has been constructed in compliance with the details approved through this application.

Reason: To ensure the SUDS basin is constructed in accordance with the self-certification process in the interests of ensuring adequate drainage for the site.

24. PRIOR TO THE OCCUPATION OF THE FIRST RESIDENTIAL UNIT ON SITE, details of the construction and delivery of the informal paths shall be submitted for the written approval of Fife Council as planning authority. The details shall specify when each informal path will be delivered. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of permeability in accordance with Making Fife's Places Supplementary Guidance (2018).

25. PRIOR TO THE COMPLETION OF THE FIRST RESIDENTIAL UNIT, full final details of the play equipment shall be provided for the site shall be submitted and approved in writing by Fife Council as planning authority. This shall include a timetable for completion of the play equipment. For the avoidance of doubt this shall specify by which unit completion the play area will be provided. The play equipment shall support 'Play for All' where possible. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of providing adequate play provision for the site.

26. PRIOR TO ANY WORKS COMMENCING ON SITE, a maintenance and aftercare strategy for the equipped play area shall be submitted for the written approval of the Planning Authority. Thereafter, the equipped play area shall be maintained in accordance with the approved strategy for the lifetime of the development.

Reason: To ensure the equipped play area is suitably maintained.

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

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

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

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

29. The development shall be implemented in accordance with the recommendations set out within Flood Risk Assessment by Kaya Consulting (April 2022) unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interests of protecting the site from significant flood risk.

30. The acoustic mitigation specified within the Noise Impact Assessment by Charlie Fleming Associates (dated February 2023) approved through this application shall be provided prior to the occupation of any residential unit. Before the occupation of any residential unit but after completion of the noise mitigation measures, a further noise survey shall be submitted to Fife Council as planning authority to demonstrate that the following internal sound levels can be achieved:

a The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development.

b The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development.

c The LAMax shall not exceed 45 dB between 2300 and 0700hrs when readings are taken inside any bedroom in the development.

d The 16hr LAeq shall not exceed 50 dB between 0700 and 2300 hours when readings are taken in outdoor amenity areas.

None of the properties shall be occupied until written confirmation from Fife Council as planning authority has been received that this report is acceptable.

Written evidence shall be submitted to Fife Council as planning authority to demonstrate that the above internal and external sound levels can be achieved. None of these properties shall be occupied until written confirmation Fife Council as planning authority has been received that they are satisfied that sufficient evidence has been provided.

If it cannot be demonstrated that the aforementioned sound levels have been achieved, a further scheme incorporating further measures to achieve those sound levels shall be submitted for the written approval of the Planning Authority.

Reason: In the interests of the residential amenity of future residents.

31. PRIOR TO ANY WORKS START ON SITE (INCLUDING VEGETATION REMOVAL), a Construction Environmental Management Plan shall be submitted for the written approval of Fife Council as planning authority. This shall include measures to protect the water course from pollution during the construction process and set out the locations for storage and compounds and provide the construction phasing within the site.

Reason: To protect the immediate environment during the construction phase.

32. PRIOR TO WORKS COMMENCING ON SITE an amended site plan showing the re-orientation of plots 15 – 18 overlooking the courtyard, or another alternative arrangement as agreed by the Planning Authority, shall be submitted and approved in writing by the Planning Authority.

Reason: In the interest of visual amenity – to ensure overlooking into the courtyard.

33. Prior to the occupation of the first dwelling, details of the proposed low/zero carbon generating technologies shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of reducing greenhouse gas emissions; to ensure the proposal complies with Policies 1 and 11 of the Adopted FIFEplan (2017).

34. BEFORE ANY WORKS COMMENCE ON SITE; full details of the required tree protection measures as set out in a report by a fully qualified arborist, shall be submitted to and approved in writing by Fife Council as Planning Authority. These measure shall also include a method statement setting out how the outfall pipe would be installed within the vicinity of any adjacent trees. Any approved protective measures shall be retained in a sound and upright condition throughout the demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery. This Planning Authority shall also be formally notified in writing of the completion of such measures and NO WORKS SHALL COMMENCE ON SITE until this Planning Authority has confirmed in writing that the measures as implemented are acceptable.

Reason: In the interests of safeguarding trees.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance:

Scottish Government Creating Places - A Policy Statement on Architecture and Place for Scotland (2013)

Scottish Government Designing Streets - A Policy Statement for Scotland (2010)

PAN 33 - Contaminated Land (Revised 2000)

PAN 1/2011 – Planning and Noise (2011)

Development Plan and Supplementary Guidance:

National Planning Framework 4 (2023)

FIFEplan Local Development Plan (2017)

Fife Council Making Fife's Places Supplementary Guidance (2018)

Fife Council Affordable Housing Supplementary Guidance (2018)

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

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

Fife Council Planning Customer Guidelines on Garden Ground (2016)

Fife Council Planning Obligations Framework Guidance (2017)

Fife Council Planning Low Carbon Supplementary Guidance (2019)

Other Material Considerations:

World Health Organisation (WHO) Guidelines for Community Noise (2015)

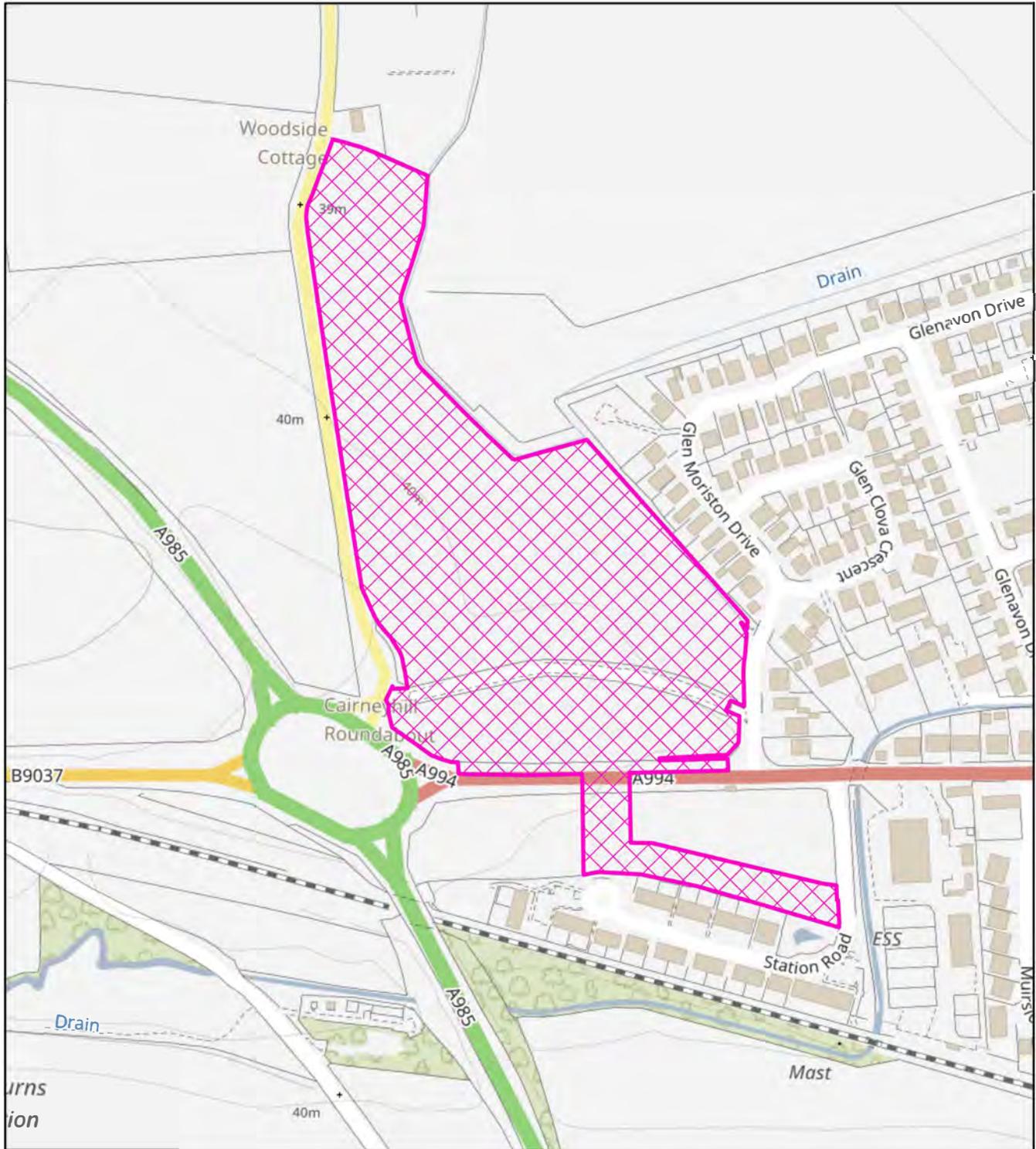
Report prepared by Natasha Cockburn, Planner and Case Officer

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

Date Printed 02/05/2023

22/01344/FULL

Land North and South Of A994 Conscience Bridge North, Cairneyhill



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Legend	
 Application Boundary	
	
 COUNCIL Planning Services	

ITEM NO: 5

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/02932/FULL

SITE ADDRESS: THE GUNNER CLUB SCHOOL LANE KIRKCALDY

PROPOSAL: ERECTION OF 6 DWELLINGHOUSES AND ANCILLARY ACCOMMODATION AND ASSOCIATED INFRASTRUCTURE

**APPLICANT: MR BRIAN ALLAN
12 VICTORIA CLOSE COALTOWN OF WEMYSS KIRKCALDY**

**WARD NO: W5R12
Kirkcaldy East**

CASE OFFICER: Lauren McNeil

DATE REGISTERED: 09/12/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

Six objections were received which are contrary to the officer's recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

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

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

1.0 Background

1.1 This application relates to the site of the former Gunner Club in Kirkcaldy. The development site measures approximately 3235m² and is situated adjacent to the Category B listed Fife Ice Arena and a row of late 18th - early 19th century Category C listed cottages (4-18 Doctor's Row). The surrounding land uses are predominantly residential in nature with the exception of the Fife Ice Arena to the west and various ground floor commercial premises along Rosslyn Street. The surrounding area is characterised by properties of varying architectural form, scale and finishes. The site is accessed via School Lane to the North-East of the site.

1.2 This application seeks full planning permission for the erection of six dwellinghouses and ancillary accommodation and associated infrastructure.

1.3 Plots 1-5 comprise of two-storey 4-bedroom detached properties and plot 6 comprises of a two and a half storey 7-bedroom detached dwellinghouse with an associated one and a half storey one-bedroom granny flat. The proposed external finishes include dry dash roughcast rendered walls, concrete roof tiles, and UPVC windows.

1.4 There is no relevant planning history for the site.

1.5 A site visit was conducted on the 20th January 2023.

2.0 Assessment

2.1 The issues to be assessed against the Adopted FIFEplan (2017) and other related guidance can be summarised as follows:

- a. Principle of Development
- b. Design/Impact on the Setting of the Listed Buildings
- c. Amenity
- d. Garden Ground
- e. Land Contamination
- f. Road Safety
- g. Flooding and Drainage
- h. Low Carbon

2.2 Principle of Development

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

- * sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- * employment;
- * shopping;
- * health and social care facilities;
- * childcare, schools and lifelong learning opportunities;
- * playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- * publicly accessible toilets;
- * affordable and accessible housing options, ability to age in place and housing diversity

Policy 16 of NPF4 states development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out;
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods, and
- iii. the proposal is for smaller scale opportunities within an existing settlement boundary.

2.2.2 Policy 1 Part A of the Adopted FIFEplan (2017) states the principle of development will be supported if it is either a) within a defined settlement boundary and compliant with the policies for the location or b) in a location where the proposed use is supported by the Local Development Plan. Policy 2 (Homes) of FIFEplan (2017) support development of unallocated sites for housing provided they do not prejudice the housing land supply strategy of the Local Development Plan and proposals comply with the policies for the location.

2.2.3 The development site is situated within the Kirkcaldy settlement boundary therefore there is a presumption in favour of development. Moreover, the proposal would bring an existing brownfield site in a prominent location back into use and would be compatible with the surrounding residential uses. In addition, there is an existing bus stop situated approximately 20m to the East of the development site therefore the proposal would be easily accessible via public transport. Furthermore, there is a nursery, high school and various services/amenities within a 10-minute walk of the site.

2.2.4 In light of the above, the principle of the development would be considered acceptable and would comply with Policies 15 and 16 of NPF4 and Policies 1 and 2 of the Adopted FIFEplan (2017). However, the overall acceptability of development must meet other detailed policy criteria which are considered below.

2.3 Design/Impact on the Setting of the Listed Buildings

2.3.1 Policy 7 of NPF4 states development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. Policy 14 of NPF4 states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Furthermore Policy 14 states development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, adaptable.

2.3.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Historic Environment Scotland's New Design in Historic Settings (2010), Historic Environment Scotland's Managing Change in the Historic Environment: Setting (2016), and Policies 1, 10 and 14 of the Adopted FIFEplan (2017) also apply in this respect. Policy 1 Part B of the Adopted FIFEplan (2017) states development proposals must safeguard the characteristics of the historic environment, including archaeology. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the visual impact of the development on the surrounding area. Policy 14 states the Council will apply the six qualities of successful places when considering development proposals. New development will need to demonstrate how it has taken account of and meets each of the following six qualities:

1. distinctive;
2. welcoming;
3. adaptable;
4. resource efficient;
5. safe and pleasant; and
6. easy to move around and beyond.

Policy 14 also states development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage listed buildings or their setting, including structures or features of special architectural or historic interest.

2.3.3 Fife Council's Built Heritage Team was consulted on the proposal and initially raised concerns relating to the detailing, colour and finish of the proposed dwellinghouses and the associated impact on the setting of the adjacent listed buildings. As such, the applicant submitted revised plans which satisfactorily addressed Fife Council's Built Heritage Team's concerns.

2.3.4 The proposal would bring an existing brownfield site in a prominent location within Kirkcaldy back into use which would in turn improve the visual appearance of the site itself and the wider surrounding environment. The scale and massing of plots 1-5 would be considered comparable with the surrounding residential properties and whilst plot 6 would comprise of a larger massing, given the difference in the overall height between plots 1-5 and plot 6 (approximately 1m) and the height of the adjacent Fife Ice Arena (approximately 20m), on balance it is considered the scale and massing of plot 6 would be considered appropriate with this context. The proposal, as revised would comprise of a high-quality design which incorporates various decorative features such as feature stonework walls, quoins and ashlar stone window surrounds which would create a distinctive development and would create a link between the development and the traditional style properties along School Lane. Moreover, the proposal, as revised would consist of a muted colour palette which would reduce the visual impact of the development on the adjacent listed buildings and would be considered appropriate given the wider context.

2.3.5 In considering the above, the proposal, as revised would be designed in a manner which would be considered acceptable and would not have a significant detrimental impact on the setting of the adjacent listed buildings. As such, the proposal would be in compliance with Policies 7 and 14 of NPF4 and Policies 1, 10 and 14 of the Adopted FIFEplan.

2.4 Amenity

2.4.1 Whilst not wholly applicable in this case, Policy 16 states householder development proposals will be supported where they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. Also, Policy 23 of NPF4 states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

2.4.2 Policies 1 and 10 of the Adopted FIFEplan (2017), Fife Council's Policy for Development and Noise (2021) and Fife Council's Planning Customer Guidelines on Daylight and Sunlight and Minimum Distances between Window Openings also apply in this respect. Policy 1 Part B states development proposals must protect the amenity of the local community. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to noise, light, and odour pollution and other nuisances, including shadow flicker from wind turbines; the loss of privacy, sunlight, and daylight; and construction impacts.

2.4.3 Objections received raised concerns regarding potential noise resulting from the development. As previously detailed, the surrounding area is predominately residential in nature therefore the proposal would be compatible with its surrounds and would not introduce any significant additional noise concerns. A Noise Impact Assessment was submitted alongside this application to determine the impact of the surrounding land uses on the amenity of the future occupants in terms of noise. The Noise Impact Assessment identified the primary contributing environmental noise was from road traffic noise along Rosslyn Street, however the impact of other noise sources was also assessed including noise resulting from the plant machinery, car park and arena associated with neighbouring ice-skating arena. The Noise Impact Assessment recommended noise mitigation be implemented to reduce the impact of road traffic noise from Rosslyn Street and noise from the adjacent car park.

2.4.4 Fife Council's Public Protection Team was consulted and advised that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided, as recommended within the Noise Impact Assessment submitted. However, given the urban location, brownfield nature of the site and its situation within an established residential area it is considered the proposal meets the exceptional circumstances test outlined within The REHIS Briefing Note 017 Noise Guidance for New Developments. Fife Council's Public Protection Team also advised that should the case officer be minded to approve this planning application, all noise mitigation measures/recommendations made within section 10 of the noise report must be appropriately conditioned as part of any successful planning consent. As such, conditions shall be imposed to ensure noise is appropriately mitigated within the development site.

2.4.5 Objections received raised concerns regarding loss of privacy. The plots with the most potential for overlooking are plots 1-3. The dwellinghouses at plots 2 and 3 would be positioned more than 18 metres from the rear elevation of the neighbouring properties along Miller Street and would therefore comply with Fife Council's Planning Customer Guidelines Minimum Distances between Window Openings. Also, the existing boundary treatments would provide sufficient screening at ground floor level. These properties would be positioned less than 9 metres from the neighbouring rear amenity spaces therefore there is potential for overlooking at first floor level, however given the existing density of housing it is considered these amenity

spaces would already be overlooked by the properties at 1-5 School Lane. Therefore, it is considered there would not be a significant detrimental impact on overlooking to these areas as a result of the development. Furthermore, whilst the dwellinghouse at plot 1 would be positioned less than 18m from the neighbouring ground floor facing window at 1 School Lane, the proposed 1.8 high timber boundary fence would provide sufficient screening and the neighbouring amenity space would already be overlooked by the neighbouring properties along School Lane and Miller Street. As such, it is considered the proposal would introduce any significant additional overlooking/privacy concerns.

2.4.6 Objections received raised concerns regarding loss of daylight. From review of the plans submitted, it is considered the proposal would not have a significant detrimental impact on the level of daylight received within the neighbouring properties. Moreover, given the height of the existing building (now demolished) in comparison to the proposed housing it is considered the proposal would not have a significant detrimental impact on the level of sunlight within the neighbouring private amenity spaces.

2.4.7 Objections received raised concerns regarding the impact of construction on residential amenity particularly in relation to noise and dust. Any issues arising during the construction phase would be temporary in nature and would be controlled under a separate legislative process. Also, a Construction Traffic Method Statement has been submitted which details road sweepers and vehicle washing facilities would be utilised to limit dirt/debris entering/leaving the site.

2.4.8 Therefore, on balance it is considered the proposal, subject to conditions would be acceptable in terms of noise, loss of privacy, daylight and sunlight and construction impacts. As such, the proposal would be in compliance with Policies 16 and 23 of NPF4 and Policies 1 and 10 of the Adopted FIFEplan (2017).

2.5 Garden Ground

2.5.1 Fife Council's Planning Customer Guidelines on Garden Ground applies in this instance and advises that for all new detached dwellinghouses the ratio of buildings to garden must be at least 1:3 and the dwellinghouse must be served a minimum of 100 square metres of useable private garden ground.

2.5.2 In this case, plots 2, 3 and 4 would be served by approximately 90m² of private garden ground which would not comply with the 100m² threshold outlined within Fife Council's Garden Ground Guidance, however Plots 1, 5 and 6 would exceed the 100 m² threshold. Moreover, plots 1-5 would not meet the standard 1:3 plot ratio with the smallest plot (Plot 2) measuring approximately 1: 2.6. However, given the proposal would involve the redevelopment of a brownfield site within an established built-up area an exception can be made in this instance. As such, the proposal would be considered acceptable in terms of garden ground provision.

2.6 Land Contamination

2.6.1 Policy 9 of NPF4 states where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. Planning Advice Note 33 (PAN 33) advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use.

2.6.2 Policies 1 and 10 of the Adopted FIFEplan (2017) also apply in this respect. Policy 1 Part B sets out that development proposals must protect the amenity of the local community. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.6.3 Objections received raised concerns regarding potential land contamination on site. Given the brownfield nature and former use of the site Fife Council's Land and Air Quality Team were consulted on the proposal. Fife Council's Land and Air Quality Team recommended that land quality conditions be imposed to ensure any potential or actual contamination within the site is suitably addressed.

2.6.4 In light of the above, the proposal subject to conditions would be considered acceptable and would be in compliance with Policy 9 of NPF4 and Policies 1 and 10 of the Adopted FIFEplan (2017).

2.7 Road and Pedestrian Safety

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

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

2.7.2 Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines also apply in this respect. Policy 1 Part C states development proposals must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 states development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.7.3 Objections received raised concerns regarding increased traffic movements, access, pedestrian safety, construction traffic, parking and visibility.

2.7.4 Fife Council's Transportation Development Management Team (TDM) was consulted and initially expressed concerns relating to the proposed access for construction vehicles due to the narrow width of School Lane and the position of the proposed boundary fencing in terms of its impact on visibility. As such, TDM advised a Construction Traffic Method Statement and revised block plan be submitted to address these concerns which was later submitted by the applicant/agent. TDM was then reconsulted and confirmed the concerns relating to visibility have been addressed within the revised site layout plan submitted and that a robust Construction Traffic Method Statement had been submitted which if adhered to for the duration of the construction phase would suitably mitigate issues. TDM also confirmed acceptance of a maximum of 6 dwellings being served by a shared private access, as the proposed access would be designed and constructed to a high standard. Moreover, although two visitor parking spaces would typically be required within the overall site layout, given 50% of the plots have an over provision of in curtilage parking they will accept this in lieu of dedicated communal visitor parking in this instance. Considering the above, TDM raised no objections to the proposal subject to the imposition of conditions relating to the design layout and construction of roads, the gradient of the shared vehicular access, off-street parking, construction traffic and wheel cleaning facilities.

2.7.4 In light of the above, the proposal subject to conditions would be considered acceptable in terms of road safety. As such, the proposal would be in compliance with Policy 13 of NPF4 and Policies 1, 3 and 10 of the Adopted FIFEplan (2017).

2.8 Flooding and Drainage

2.8.1 Policy 22 of NPF4 states that development proposals will not increase the risk of surface water flooding to others, or itself be at risk. Also, developments should manage all rain and surface water through sustainable urban drainage systems and proposals should assumed no surface water connection to the combined sewer. Furthermore, development proposals will seek to minimise the area of impermeable surface.

2.8.2 Policies 1, 3 and 12 of the Adopted FIFEplan (2017) and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements also apply in this respect. Policy 1 Part B of FIFEplan (2017) states development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant including avoid flooding and impacts on the water environment. Policy 3 of FIFEplan (2017) states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Policy 12 of FIFEplan states development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere.

2.8.3 Scottish Environment Protection Agency (SEPA) flood maps have been analysed and show that the development site is not located within an area of known river, coastal or surface water flood risk. However, The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) requires that a Sustainable Drainage System (SuDS) is installed for

all new developments where surface water discharges to ground or water to prevent pollution, with the exception of runoff from a single dwelling or discharge to coastal waters. The proposal seeks to discharge foul drainage to the existing Scottish Water network and would incorporate a SUDS scheme whereby surface water run-off would be attenuated, treated and discharged to the existing Scottish Water network via the existing combined sewer.

2.8.4 Scottish Water was consulted and advised they have no objections to the proposal and there is currently sufficient water and wastewater capacity however this would be subject to a separate formal application process. Fife Council's Structural Services, Flooding Shoreline and Harbours Team were also consulted and advised that given Scottish Water will not accept any surface water connection to the combined sewer the applicant should clarify the final discharge point. The applicant/agent has since been in contact with Scottish Water and has provided confirmation Scottish Water will accept the discharge of surface water to the combined sewer. Therefore, Fife Council's Structural Services, Flooding Shoreline and Harbours Team raised no objections in relation to flood risk or surface water management.

2.8.5 In light of the above, the proposal would be considered acceptable in terms of flooding and drainage and would be in compliance with Policy 22 of NPF4 and Policies 1, 3 and 12 of the Adopted FIFEplan (2017).

2.9 Low Carbon

2.9.1 Policy 1 of NPF4 states when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2 of NPF 4 states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change.

2.9.2 Policies 1 and 11 of the Adopted FIFEplan (2017) and Fife Council's Low Carbon Fife Supplementary Guidance (2019) apply in this respect. Policy 1 Part C of FIFEplan states development proposals must be supported by information or assessments to demonstrate that they will comply with the following relevant criteria and supporting policies, where relevant including provide measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland; provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site or flood assessments; provide for energy conservation and generation in the layout and design; and contribute to achieving the area's full potential for electricity and heat from renewable sources, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations. Policy 11 states planning permission will only be granted for new development where it has been demonstrated that:

1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
2. Construction materials come from local or sustainable sources;
3. Water conservation measures are in place;
4. sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run off in peak conditions or detrimental impact on the ecological quality of the water environment; and
5. Facilities are provided for the separate collection of dry recyclable waste and food waste.

2.9.3 A low carbon statement has been submitted alongside this application which details that the proposed housing would be well insulated, would utilise high performance windows/doors and would incorporate renewable/low carbon generating technologies (solar panels to plots 1-5 and an air source heat pump to the dwellinghouse at plot 6). However, manufacturers specifications have not been submitted to this application therefore a suitable condition shall be imposed.

2.9.4 Objections received raised concerns regarding the location of waste facilities. The proposed housing would be served by individual refuse collection points situated to the rear and there would be a larger bin store located to the north of the site. This would be considered appropriate to allow Council refuse vehicles ease of access to the site.

2.9.5 In light of the above, the proposal subject to condition would be considered acceptable and would be in compliance with Policy 1 and 2 of NPF4 and Policies 1 and 11 of the Adopted FIFEplan (2017).

2.10 Planning Obligations

2.10.1 Policy 18 of NPF4 states that the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

2.10.2 Policy 4 of the Adopted FIFEplan (2017) states developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. The kinds of infrastructure to which this policy applies include transport, schools, affordable housing, greenspace, public art and employment land. However, Policy 4 also states developments, other than a change of use of employment land or outdoor sports facilities will be exempt from these obligations if they are for, amongst other criteria the re-use of derelict land or buildings, previously developed land, or the rehabilitation of contaminated land within a defined settlement; and residential development of fewer than 10 houses.

2.10.3 Objections received raised concerns regarding the capacity of local services such as doctor surgeries/dentists. However, given the proposal involves the reuse of brownfield land within the Kirkcaldy settlement boundary and would comprise of a residential development of less than 10 houses the proposal would be exempt from any planning obligations in line with Policy 4 of the Adopted FIFEplan (2017).

CONSULTATIONS

Education (Directorate)

To support the exemptions included in paragraph 3.7 of the Planning Obligations Framework Supplementary Guidance (2017), no Education Service consultee response is required for planning applications for <10 homes.

Built Heritage, Planning Services	FCBH raised concerns relating to; - detailing, colour and finish of the proposed dwellinghouses - impact on the setting of the adjacent listed buildings.
TDM, Planning Services	A revised site plan and CTMP should be submitted.
Scottish Water	No objections
Asset And Facilities Management Services	No response
Built Heritage, Planning Services	
Land And Air Quality, Protective Services	Land quality conditions LQC1 to LQC3 recommended
Structural Services - Flooding, Shoreline And Harbours	Further information required relating to final discharge point.
Transportation And Environmental Services - Operations Team	No response
Environmental Health (Public Protection)	All noise mitigation measures/recommendations made within section 10 of the noise report must be appropriately conditioned.
Trees, Planning Services	A tree protection plan would be pertinent
TDM, Planning Services	No objections subject to conditions
Structural Services - Flooding, Shoreline And Harbours	Further information required relating to final discharge point.
Structural Services - Flooding, Shoreline And Harbours	No objections/further comments
Land And Air Quality, Protective Services	Land quality conditions LQC1 to LQC3 recommended

REPRESENTATIONS

Six objections were received raising concerns regarding potential noise resulting from the development, loss of privacy, loss of daylight, construction impacts, potential land contamination, increased traffic movements, access, pedestrian safety, construction traffic, parking, visibility, the location of waste facilities and the capacity of local services.

CONCLUSIONS

The proposal, subject to condition would be considered acceptable and would be in compliance with Policies 1, 2, 3, 10, 11, 12, and 14 of the Adopted FIFEplan (2017) and Policies 1, 2, 7, 9, 13, 14, 15, 16, 22, and 23 of NPF4.

RECOMMENDATION

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

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

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

2. The windows of the proposed housing hereby approved shall meet the specifications outlined within Section 10 of the Noise Impact Assessment prepared by CSP Acoustics dated 23/08/2022 submitted alongside this application.

Reason: In the interests of amenity; to ensure the required sound insulation levels can be achieved.

3. The proposed fencing bounding the garden of Plot 6 shall meet the specifications outlined within Section 10 of the Noise Impact Assessment prepared by CSP Acoustics dated 23/08/2022 submitted alongside this application.

Reason: In the interests of amenity; to ensure noise levels within the rear amenity space are suitably mitigated.

4. The proposed fencing situated along the mutual boundary between the site and the Fife Ice Arena shall meet the specifications outlined within Section 10 of the Noise Impact Assessment prepared by CSP Acoustics dated 23/08/2022 submitted alongside this application.

Reason: In the interests of amenity; to ensure noise levels associated with the adjacent car park are suitably mitigated.

5. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been fully investigated in terms of ground gas risk and a suitable amended 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.

6. 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 5. 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.

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

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

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

8. Prior to the occupation of the first dwelling, all works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Making Fife's Places Appendix G and the SCOTS National Roads Guide. These works shall include the tie in between the shared private vehicular access and School Lane.

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

9. Prior to the occupation of the first dwelling, the shared private vehicular access shall be constructed at a gradient not exceeding 1 in 10 (10%) and shall include the provision of

adequate measures to ensure any surface water run-off is intercepted within the application site, prior to it reaching the extents of the public road (School Lane).

Reason: In the interest of road safety; to avoid surface water run-off discharging into the extents of the public road.

10. Prior to the occupation of each respective dwelling, there shall be provided within the curtilage of the site 3 parking spaces per dwelling, in accordance with the current Fife Council Making Fife's Places Appendix G and as per the layout shown on Drawing No TGC/S2 - Rev B. The parking spaces shall be retained for the lifetime of the development.

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

11. For the full duration of the construction phase, all traffic associated with the construction phase shall operate as per the approved Construction Traffic Method Statement (Lundin Homes Traffic Management Plan document dated 22/02/23).

Reason: In the interest of road safety; to ensure the provision of an adequate strategy during the construction phase.

12. Prior to the commencement of construction operations on site, adequate wheel cleaning facilities approved by Fife Council as Planning Authority shall be provided and maintained in an operational manner throughout the construction works so that no mud, debris or other deleterious material is carried by vehicles on to the public roads.

Reason: In the interest of road safety; to eliminate the deposit of deleterious material on public roads.

13. Prior to the occupation of the first dwelling, details of the proposed low/zero carbon generating technologies shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of reducing greenhouse gas emissions; to ensure the proposal complies with Policies 1 and 11 of the Adopted FIFEplan (2017).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance

Historic Environment Policy for Scotland (2019)

Historic Environment Scotland's New Design in Historic Settings (2010)

Historic Environment Scotland's Managing Change in the Historic Environment: Setting (2016)

Planning Advice Note 33: Development of contaminated land (2017)

Development Plan

National Planning Framework 4: Adopted (February 2023)

The Adopted FIFEplan Local Development Plan (2017)

Other Guidance

Fife Council's Policy for Development and Noise (2021)

Fife Council's Planning Customer Guidelines on Daylight and Sunlight

Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings

Fife Council's Planning Customer Guidelines on Garden Ground

Fife Council Transportation Development Guidelines

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

Fife Council's Low Carbon Fife Supplementary Guidance (2019)

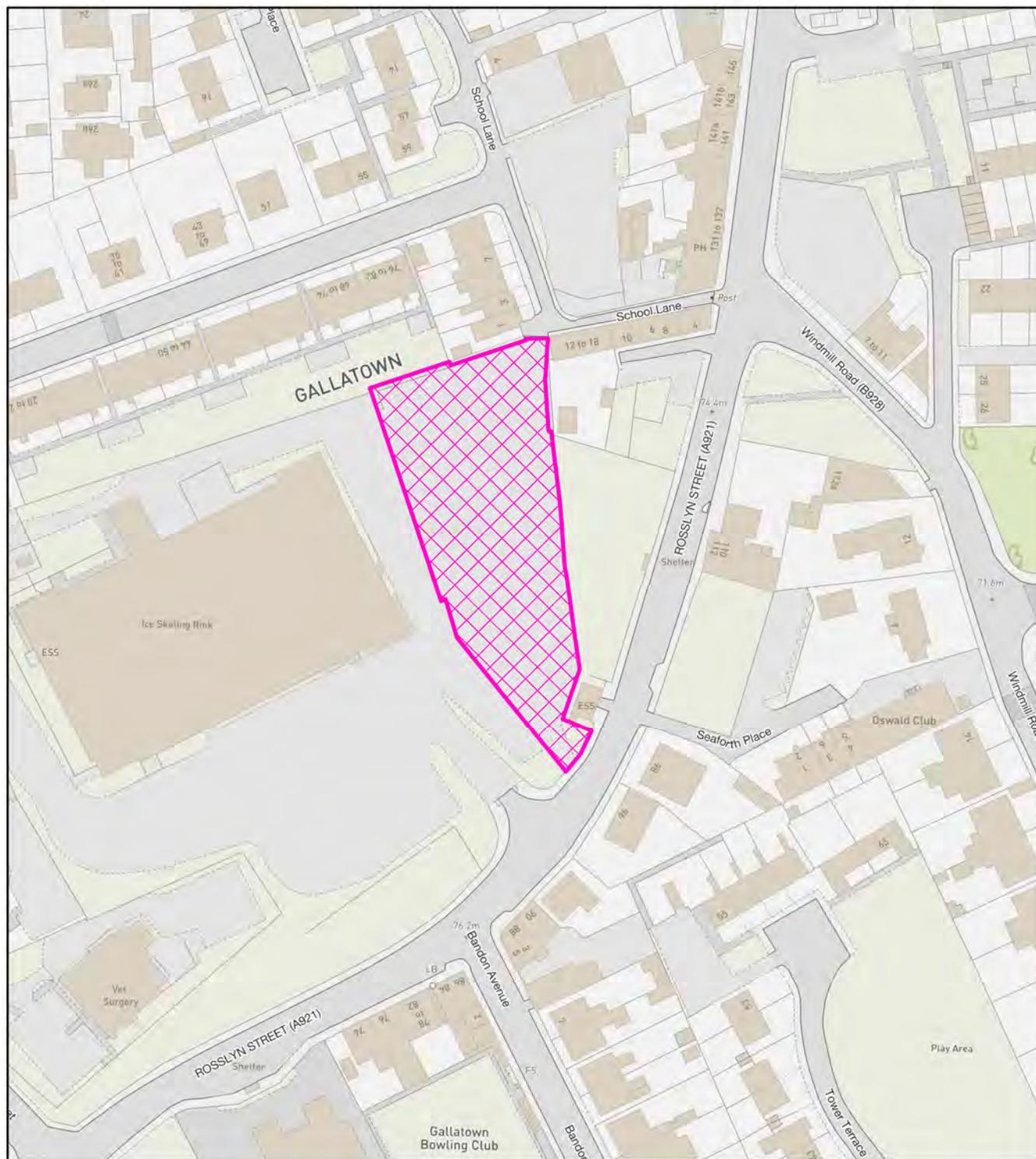
Report prepared by Lauren McNeil, Graduate Planner and Case Officer

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

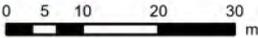
Date Printed 15/05/2023

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The Gunner Club, School Lane, Kirkcaldy



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Legend	
 Application Boundary	
	
 COUNCIL Planning Services	

ITEM NO: 6

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE REF: 22/04288/PPP

SITE ADDRESS: CROMBIE POINT FIFE

PROPOSAL: PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF 2 DWELLINGHOUSES WITH ASSOCIATED GARAGES AND ACCESS.

**APPLICANT: MR JAMES CORRIE
RED MOSS HOUSE EAST LACHRAN BLAIRADAM**

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

CASE OFFICER: Emma Baxter

DATE REGISTERED: 12/01/2023

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 representations have been received contrary to officer recommendation

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

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

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

1.0. Background

1.1. Description

1.1.1. The application relates to an area of greenfield land (approximately 3207 sqm) located within the small Hamlet of Crombie Point which is a countryside setting and within the Upper Forth Local Landscape Area as defined by the adopted FIFEplan (2017). The site is approximately 1.5km southwest of the Crombie settlement boundary. The application site is bounded by Shore Road to the southwest, Crombie Point House to the southeast, open space to the northwest and the D14 to the northeast. The Fife Core Path Network runs along the northeast and southwest of the site.

1.2. The Proposal

1.2.1. The application seeks planning permission in principle for the erection of two dwellinghouses with associated garages and access.

1.3. Planning History

1.3.1. The relevant planning history for the site can be summarised as follows

- 08/03346/WFULL - Planning permission for the erection of two dwellinghouses was withdrawn February 2009.
- 22/01607/PPP - Planning permission in principle for the erection of two dwellinghouses was withdrawn November 2022.

1.4. A site visit was conducted on 24th January 2023. Further information has been collated digitally to allow the full consideration and assessment of the application. The following additional evidence was used to inform the assessment of this proposal

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

2.0. Assessment

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

- Principle of Development
- Design / Visual Impact on the Countryside
- Flooding and Drainage
- Road Safety
- Low Carbon
- Residential Amenity
- Trees
- Land Stability

2.2. Principle of Development

2.2.1. Policy 9, Part B, of National Planning Framework 4 states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

2.2.2. NPF4 Policy 16(f) states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where;

- the proposal is supported by an agreed timescale for build-out; and
- the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- and either
 1. delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 2. the proposal is consistent with policy on rural homes; or
 3. the proposal is for smaller scale opportunities within an existing settlement boundary; or
 4. the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan

2.2.3. NPF4 Policy 17a applies and states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

2.2.4. NPF4 Policy 10, Part B, states that development proposals in undeveloped coastal areas will only be supported where they:

- i) are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site;
- ii) do not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and;
- iii) are anticipated to be supportable in the long-term, taking into account projected climate change; or
- iv) are designed to have a very short lifespan

2.2.5. Whilst the site itself is undeveloped greenfield land, it is acknowledged that there is development within the immediate surrounding area. NPF4 Policy 10, Part A, states that development proposals in developed coastal areas will only be supported where the proposal:

- i. does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
- ii. is anticipated to be supportable in the long-term, taking into account projected climate change

2.2.6. While the proposal is not considered to be supported in terms of the broad policy position set out in Policies 10, 16 and 17 of the NPF. The Chief Planner's letter confirms that NPF4 needs to be assessed in the round and in full context of the Adopted Development Plan. The Adopted Development Plan includes the Adopted FIFEplan which provides more detailed policy context in relation to the assessment of this development. Policy 7 of the Adopted FIFEplan LDP relates to development in the countryside and Policy 8 more specifically relates to new housing in the countryside.

2.2.7. Policy 1 of the Adopted FIFEplan (2017) sets out that development proposals will be supported if they are in a location where the proposed use is supported by the development plan and where they comply with other plan policies. Policy 7 states that developments in the countryside will only be supported where, among other circumstances, it is for housing in line with Policy 8. Policy 8 sets out that houses in the countryside will only be supported where;

1. It is essential to support an existing rural business
2. It is for a site within an establish and clearly defined cluster of five houses or more
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply
 - The existing house is not listed or of architectural merit;
 - The existing house is not temporary and has a lawful use; or
 - The new house replaces one which is structurally unsound, and the replacement is a better-quality design, similar in size and scale as the existing building, and within the curtilage off the existing building.
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes)
7. A shortfall in the 5-year effective housing land supply is shown to exist, and the proposal meets the terms of Policy 2 (Homes)
8. It is a site for a Gypsy/Travellers or Travelling Showpeople and complies with Policy2 or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation

In all cases, developments must be:

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

Cluster

2.2.8. From the supporting statement submitted with this application, it is contended that criterion 2 of Policy 8 supports this proposal' as it is for a site within an establish and clearly defined cluster of five houses or more. Policy 8 states that specific housing groups that would make up a cluster are not identified in the Local Development Plan; however, a housing cluster should be made up of a clearly defined grouping of 5 or more houses (up to a maximum of 24). The buildings will be located in very close proximity to one another and outwith the settlement boundaries identified in this Plan. The cluster should be contained by a well-established boundary, such as roads, trees or other landscaping features, and should be visually connected through the form or the pattern of development. Furthermore, Policy 8 states for housing proposed in a cluster to be acceptable, it must address the following requirements:

- It will require to be located within a clearly defined gap within the cluster and should incorporate other built development on at least two sides, forming a continuous, interconnected grouping. Housing proposed clearly outwith or on the edge of the group will not be permitted.

- The new houses should not result in ribbon development (that is, building houses alongside a transport route) or coalescence (joining up) of the group with a nearby settlement/another housing cluster.

2.2.9. Letters of representation received for this proposal have objected on the grounds that the proposal would result in coalescence of two separate groups of properties. It has been stated that the two properties to the north of the site (Stripside Cottage and Stripside House) were formally part of the historic Craigflower Estate and have never formed part of Crombie Point which consists of the six properties to the south of the proposed development.

2.2.10. There are six dwellings to the south of the proposal site, Crombie Point House and the Coach House which border the application site, followed by Black Anchor, Kilmory and Cockletrees further to the south and Kinny Braes to the east of the application site. There are a further two houses to the north of the proposal site (Stripside Cottage and Stripside House). Whilst the location of the proposed dwellinghouse is in relatively close proximity to the group of houses to the south and the two houses to the north, it is considered that it would not satisfy the requirements as set down in Policy 8. It is considered that the two properties to the north of the site are entirely separate from the small group of six dwellings to the south of the development site. These two groups of houses are not “contained by a well-established boundary, such as roads, trees or other landscaping features” as required by Policy 8 and therefore the proposed development would not be located within an existing cluster of dwellinghouses, as defined by the Development Plan policy. Rather, the proposed development would contribute towards the coalescence of the two separate groups of houses, which is explicitly advised against within Policy 8. The proposal therefore does not satisfy Criterion 2. Furthermore, should the current application be approved, it would potentially allow further houses to be developed to the north-west and north-east at a later date.

2.2.11. In addition, it is contended within the planning statement submitted as part of this application that “the site is seen as being no different to adjoining proposed development at Bullyeons Farm, Crombie.” The application which is being referred to was for the erection of a dwellinghouse approximately 400 meters to the north-east. However, in that instance the proposed development was justified under Criterion 1 of Policy 8 in that it was essential to support an existing rural business. Therefore regardless of any similarities which may exist between the two proposals in terms of setting, layout, design etc., this application is considered fundamentally different in that it fails to justify the proposed countryside location of the development under Policy 8 of FIFEplan.

2.2.12. In summary, the proposed development would not be considered to be compliant with the above provisions of NPF4 and FIFEplan.

Housing Shortfall

2.2.13 Criterion 6 and 7 of Policy 8 of the Adopted FIFEplan (2017) state that Development of houses in the countryside will only be supported where; it is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes) or a shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes). Where a shortfall in the 5-year effective housing land supply is shown to exist within the relevant Housing Market Area, housing proposals within this Housing Market Area will be supported subject to satisfying each of the following criteria:

1. the development is capable of delivering completions in the next 5 years;

2. the development would not have adverse impacts which would outweigh the benefits of addressing any shortfall when assessed against the wider policies of the plan;
3. the development would complement and not undermine the strategy of the plan; and
4. infrastructure constraints can be addressed.

2.2.14 The supporting statement submitted with this application also contends that the proposed development would accord with the criteria within Policy 2 as outlined above. Whilst the Scottish Government have previously taken the view that there is a housing shortfall, in terms of the Fife Housing Land Audit 2022, Fife Council's position is that there is no housing shortfall within this housing market area. This application would therefore not be supported under Policy 2 or Criterion 7 of Policy 8 of the Adopted FIFEplan (2017). Furthermore, the Housing Land Audit states that sites of fewer than 5 houses (small sites) cannot contribute to housing supply targets in this area. As such, notwithstanding the fact there is no shortfall in the area, the proposed development nevertheless would be unable to be supported under Criterion 7 of Policy 8 or Policy 2 of the Adopted FIFEplan (2017) due to its small size.

2.2.15 In light of the above, the principle of proposed development does not meet the terms of any of the criteria listed above and therefore is considered contrary to Policies 16 & 17 of NPF4 and Policies 1, 2, 7 and 8 of the adopted FIFEplan (2017) and thus is not acceptable.

2.3. Design / Visual Impact on the Setting of Listed Buildings and Countryside Setting

2.3.1. NPF 4 Policy 14 applies and states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policy 29 of NPF4 states development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location. The proposal is for PPP and therefore any design requirements and further details would be dealt with through subsequent ARC application(s).

2.3.2. Policies 1 and 10 of the Adopted FIFEplan (2017) state that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Furthermore, Policy 8 states that developments must be designed to protect the overall landscape and environmental quality of the area. In addition, paragraph 7 states that houses within a cluster should be visually connected through the form or the pattern of development. Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how developments proposals can be evaluated to ensure compliance with the six qualities of successful places. Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 also applies in this instance.

2.3.3. Letters of objection received for this application raised concerns that the proposed development would not be in keeping with the nearby listed buildings and the wider countryside setting. It should be noted that many letters of representation received have made reference to the proposed design/elevational drawings which were submitted as part of the previous application

on this site which was withdrawn (22/01607/FULL). These details have not been submitted as part of this application and therefore are not considered in the assessment of this application.

2.3.4. As this is an application for Planning Permission in Principle, detailed design aspects do not form a key part of the current application assessment. The surrounding dwellings vary somewhat in terms of scale, with Crombie Point House (C-listed) and Stripside (B-listed) comprising of 2.5 storey dwellings with large footprints in comparison to Black Anchor (B-listed) and Cockletrees which are smaller 1.5/2 storey cottages. However, the surrounding properties are considered to be similar in terms of their traditional design and materials, which includes wet dash render, timber windows and slate roofs. Overall, it is considered that the site is of a sufficient size to accommodate two dwellinghouses and that they could be designed and sited within the site to respect the visual amenity of the surrounding countryside setting and listed buildings.

2.3.5. In light of the above, subject to details and specification of the proposed design and materials being suitably addressed through the ARC process, it is considered that the proposal is acceptable in terms of visual amenity and could be designed so as to not cause harm to the existing countryside landscape or listed buildings.

2.4. Drainage and Flooding

2.4.1. Policy 22 of NPF4 states that the policy's intent is 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 22 also states development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- essential infrastructure where the location is required for operational reasons;
- water compatible uses;
- redevelopment of an existing building or site for an equal or less vulnerable use; or.
- redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.

Furthermore, NPF4 states that development proposals will not increase the risk of surface water flooding to others, or itself be at risk.

2.4.2. Policy 1 and 3 of FIFEplan states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Policy 12 of FIFEplan advises that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.4.3 Letters of representation raise objections to the proposed development due to concerns with flooding of the site in addition to the additional strain on the water supply to the surrounding properties.

2.4.4. As this application is for planning permission in principle, detailed information regarding SuDS etc. is not required. However given that a small portion of the site along the southern boundary and access road are situated within an area subject to risk of coastal flooding, a Flood Risk Assessment was submitted. SEPA was consulted on this application and raised no objections to the proposed development subject to the imposition of a condition requiring no built development or land raising to take place below 5.38mAOD. Fife Council's Structural Services team was consulted on this application and advised that there is a presumption against development within a site where flooding occurs during a 1 in 200-year event (plus current allowances for climate change). In addition, Fife Council will not accept SuDS storage within a 1 in 200-year flood plain as during flood events the performance of the SuDS may be compromised and could lead to more extreme flooding of the site. FCSS also advised that the applicant must demonstrate how mitigation methods and flood resilient construction methods can be achieved.

2.4.5. Further information has been submitted by the applicant to address Structural Services initial response. It has been advised in the updated FRA that the proposed dwellings could be situated to the north of the site, outwith the flood risk area, with emergency pedestrian egress to the north-east and finished floor levels to be no lower than 6m AOD. In light of the additional information, FCSS was reconsulted and maintained their objection to the proposed development, requesting the provision of further detailed information by way of an indicative drainage strategy and SuDS layout plan showing the proposed location of the houses as well as demonstration of how mitigations methods and flood resilient construction methods can be achieved. They also maintain Fife Council's position that there is a presumption against development within a site where flooding occurs during a 1 in 200-year event (plus current allowances for climate change) and that Fife Council will not accept SuDS storage within a 1 in 200-year flood plan. In light of Structural Services additional comments, an indicative site layout has been submitted by the applicant, demonstrating the proposed dwellings situated to the north of the site, outwith the 1 in 200 year + climate change flood risk area. Whilst the concerns of Structural Services are noted and understood, as this application is for planning permission in principle, detailed design aspects, including site layout plans, are not a requirement at this stage. Furthermore, due to the unacceptability of the principle of development (as discussed in Section 2.2. above), it is not considered appropriate to request the further detailed information from the applicant. However, notwithstanding the fact that the proposed dwellings could be situated outwith the flood risk area, the sites vehicular access and garden ground would nevertheless still be subject to flood risk. Furthermore, the applicant has failed to demonstrate that the proposed development could be carried out in a manner which would not increase flood risk on the site or elsewhere, thereby contrary to NPF4 & FIFEplan.

2.4.6 Overall, NPF4 is clear that avoidance should be adopted as the first principle when dealing with flood risk areas. In this instance, the applicant has failed to provide sufficient comfort that the proposal would not increase the risk of flooding on the site or elsewhere, as required under NPF4 and FIFEplan. In addition, given that the principle of development is not deemed to be acceptable in this instance, it is considered that there is insufficient justification to support the proposal, contrary to Policy 22 of NPF4.

2.4.7. As such, it is considered that on the basis of the information provided the proposed development would not comply with Policies 1 and 12 of the Adopted FIFEplan (2017), Policy 22

of NPF4 or Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements and is therefore considered unacceptable in this regard.

2.5. Road Safety

2.5.1. Policy 14 of NPF4 states that development proposals will be supported where they are consistent with the six qualities of successful places, one of which is connected - supporting well connected networks that make moving around easy and reduce car dependency. Furthermore, Policy 13 of NPF 4 states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

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

2.5.2. Policies 1 and 3 of the adopted FIFEplan 2017 state that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Furthermore, Policy 3 states development will only be supported where it has no road safety impacts. Making Fife's Places Transportation Development Guidelines (2018) also apply.

2.5.3. Letters of objection raised concerns with the proposed development in terms of its implications on road safety, primarily due to the high level of pedestrians and cyclists which use Shore Road in addition to access concerns due to the narrow width of this road. Furthermore, objections raised concern with the sustainability of the site in terms of walkability and car dependency.

2.5.4. Vehicular access to the site would be via Shore Road to the west of the site leading from the C14 to the north-east. The C14 and Shore Road form part of the Fife Core Path Network. From the submitted location plan, the sites appear to be sufficient in terms of providing space for off-street parking, manoeuvring etc. Transportation Development Management were consulted on this application and advised that there are significant concerns with regard to how the construction phase of the development could be safely carried out without creating risks for users (both pedestrian and cyclists) due to the narrow width of Shore Road, in addition to the tight turn into

Shore Road from the C14. Furthermore, concerns were expressed due to the lack of suitable alternative pedestrian/cycles routes during the construction phase given that Shore Road is a designated shared use path and forms part of the national Cycle Route 76 along with the C14. As such, TDM recommend the application for refusal. In light of TDM's concerns, should this application be approved, a Construction and Environmental Management Plan (CEMP) would be required as part of any subsequent ARC application(s) in order to address potential conflict between road users during the construction phase.

2.5.5. In light of the above, it is considered that subject to the deployment of sufficient measures for management of construction traffic, the proposal would not have a significant detrimental impact with regard to road safety, and therefore comply with Policies 1 and 3 of the Adopted FIFEplan (2017) and NPF4 and is therefore deemed acceptable in this regard.

2.6. Low Carbon

2.6.1. Policy 1 of NPF4 states that when considering all development proposals, significant weight will be given to the global climate and nature crises. In addition, Policy 2 states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change. The Scottish Government advises in relation to Policy 1 and Policy 2 will be subject to further detailed advice and guidance and also the specific implications of NPF4 will be clarified through the review of Local Development Plans. As such the most appropriate policy position in relation to this issue is set out in FIFEplan Policies 1,3 and 11.

2.6.2. Letters of objection for the proposed development have raised concern as to whether the proposal would implement low carbon/energy efficient technology.

2.6.3. Policies 1, 3 and 11 of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place. The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal.

2.6.4. Applicants are expected to submit a Low Carbon Sustainability Checklist in support of their proposal. As this application is for planning permission in principle the applicant has provided a statement on low carbon sustainability issues advising that the proposal would incorporate several renewable opportunities such as solar panels, photovoltaic panels, air source heat pumps etc.

2.6.5 Subject to a condition of planning permission requiring submission of the above checklist, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon and is therefore acceptable in this regard. This is however not considered to be a determining issue in this instance.

2.7. Residential Amenity

2.7.1. Policies 1 and 10 of the adopted FIFEplan state that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected. Furthermore, development will only be supported where it will not have a significant detrimental impact on the amenity of the proposed land use in relation to, amongst others, noise pollution. PAN 1/2011, as well as Fife Council Planning Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distance Between Window Openings also apply in this instance

2.7.2. As this is an application for Planning Permission in Principle, a detailed assessment of the residential amenity impact of the development does not form a key part of the current application assessment and would be fully addressed at ARC stage. Notwithstanding this, it is considered that the development site would be capable of accommodating a development which would not result in any significant detrimental impact with regard to residential amenity.

2.7.3. In light of the above, it is considered that the proposed development would be acceptable in principle with regard to residential amenity.

2.8. Trees / Natural Heritage

2.8.1. Policy 3 of NPF4 advises that

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

(c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

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

2.8.3. The site is located within the Upper Forth Local Landscape Area and currently is a mixture of grassland and trees/scrub. Furthermore, the Firth of Forth (Special Protection Area, Ramsar and Site of Special Scientific Interest), Torry Bay Local Nature Reserve and a number of woodlands on the Ancient Woodland Inventory are within the immediate vicinity. Letters of objection received for this application have raised concerns with the impact of the proposed development in terms of natural heritage / biodiversity, in particular the nearby SSSI.

2.8.4. Fife Council's Natural Heritage Officer was consulted and advised that he has no objections to the proposed development, subject to the submission of species protection plans and a Preliminary Ecological Appraisal (PEA), to ensure the protection of the qualifying interests of the SPA, SSSI and Ramsar designations. The findings of the PEA can then be used to inform any additional surveys required for the site, in addition to any necessary mitigation / biodiversity enhancement measurements. Furthermore, Fife Council's Tree Protection Officer was consulted and has requested the submission of an arboricultural impact assessment and tree protection plan. These matters would, however, be fully addressed at the ARC stage and conditions would be recommended requiring that full details relating to these requirements are submitted with any future ARC application. The proposal, subject to these conditions, would therefore comply with Development Plan Policy in this respect.

2.8.5. In light of the above, subject to the above-mentioned conditions, it is considered that the proposed development is acceptable in principle in terms of the above provisions of policy in relation to trees and natural heritage. This is however not considered to be a determining issue in this instance.

2.9. Land Stability

2.9.1. The Land and Air Quality Team were consulted on the proposal and advised that they have no objections to the proposed development subject to the imposition of conditions to ensure a suitable Preliminary Risk Assessment is undertaken prior to development commencing on the site, in addition to any necessary remedial action being undertaken prior to occupation of the site. Furthermore, a condition is sought to ensure that the Planning Authority is notified should any unexpected materials or conditions be encountered during the development.

2.9.2. The proposal site is situated within an area defined by the Coal Authority as a Development High Risk Area. The Coal Authority was consulted on this application and advised that based on the information submitted by the applicant, it has no objections to the proposed development, subject to the imposition of conditions regarding the carrying out of a scheme of intrusive investigations and any remedial works/mitigation measures, in addition to the submission of a signed statement confirming the site has been made safe and stable to the Planning Authority.

2.9.3. In light of the above, the proposal subject to conditions would be considered acceptable in terms of land stability. This is however not considered to be a determining issue in this instance.

CONSULTATIONS

Scottish Environment Protection Agency	No objection subject to condition
Natural Heritage, Planning Services	No objection subject to conditions
Scottish Water	No objections
Land And Air Quality, Protective Services	No objection subject to conditions
TDM - Planning Services,	Recommended refusal
Operations Team	No response
Structural Services - Flooding, Shoreline And Harbours	Development not supported / further information requested

REPRESENTATIONS

26 letters of support were received for this application which commented that the proposed development would enhance the appearance of the area and provide additional high-quality houses without impacting upon the character of the area and contributing to a perceived housing shortfall.

37 letters of objection were received for this application which raised the following concerns

- Road safety – This has been addressed in paragraph 2.5.4 above.
- Flooding – This has been addressed in paragraph 2.4.4., 2.4.5. and 2.4.6. above.
- Non-compliance of the principle of development – This has been addressed in Section 2.2. above.
- Sustainability/low carbon technology – This has been addressed in paragraph 2.6.4 above.
- Design / visual impact of the proposal – This has been addressed in paragraph 2.3.4 above.
- Natural heritage - This has been addressed in paragraph 2.8.4 above.
- Additional strain on the electricity, waste, telecoms and internet access for the surrounding area – This is not a material planning consideration.

CONCLUSIONS

The development is contrary to the provisions of policy and guidance relating to the principle of development and flooding/drainage but accords with those provisions relating to residential amenity, road safety, visual amenity, trees/natural heritage, land stability and low carbon. Overall, it is considered that the proposed development is contrary to the development plan, in that it would lead to the coalescence of two distinct settlement groups contrary to the provisions of the cluster policy, as well as result in development within a flood risk area, with no relevant material considerations of sufficient weight to justify departing therefrom. The application is therefore recommended for refusal.

RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need for residential development in this location is not justified and

proposal would therefore be contrary to Policies 16 and 17 of NPF4 and Policies 1, 7 and 8 of the Adopted FIFEplan (2017).

2. In the interest of avoiding flooding and impacts on the water environment; the proposal would result in development within a site where flooding occurs during a 1 in 200 year + allowance for climate change event and fails to demonstrate that the proposal would not increase the risk of flooding on the site or elsewhere. The proposal would therefore be contrary to Policy 22 of NPF4 and Policies 1, 3 and 12 of the Adopted FIFEplan (2017).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance:

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

Development Plan:

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

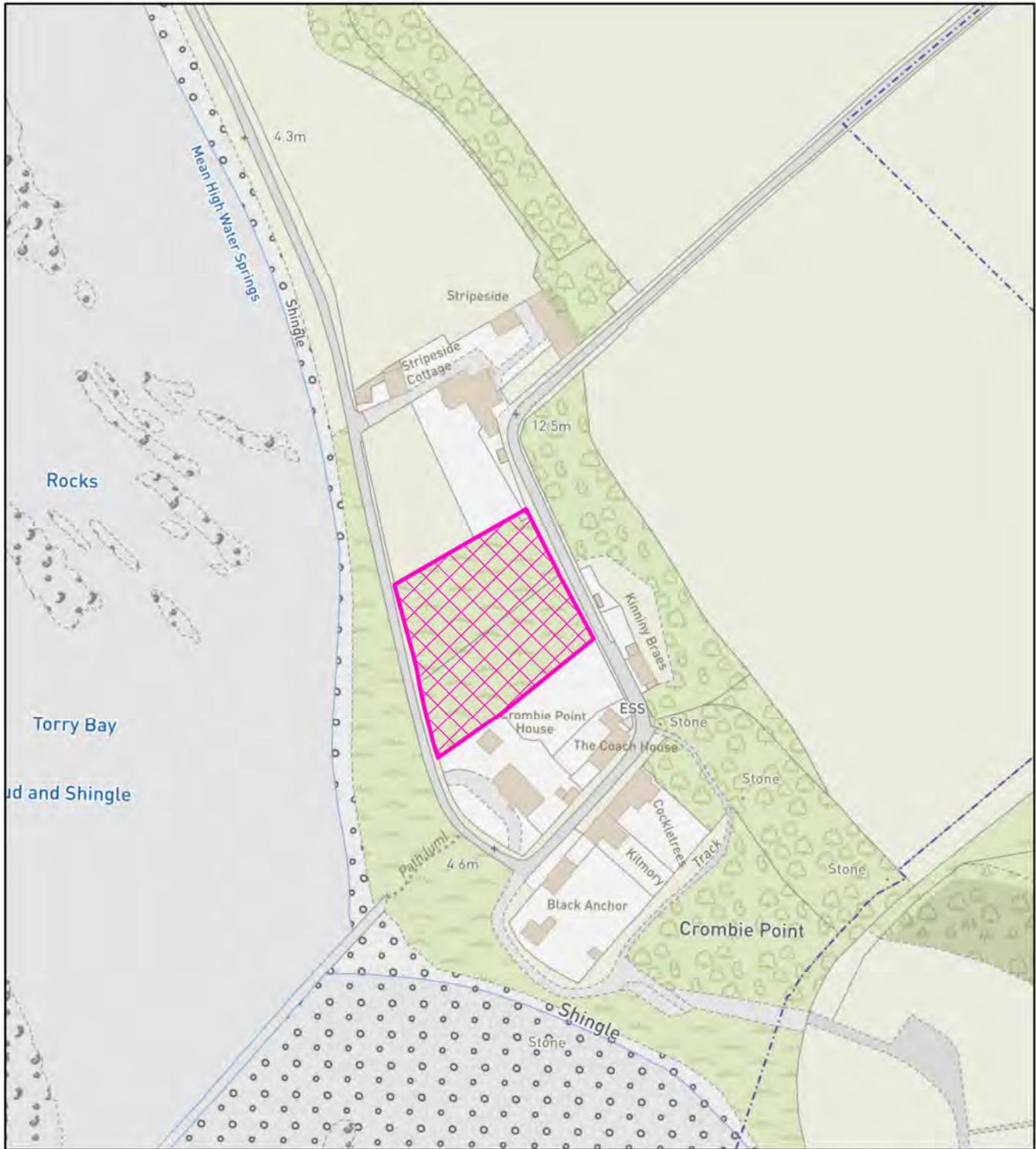
Other Guidance:

- Fife Council Planning Customer Guidelines on Garden Ground (2016)
- Fife Council Planning Customer Guidelines on Minimum Distance Between Window Openings (2016)
- Fife Council Planning Customer Guidelines on Daylight and Sunlight (2018)

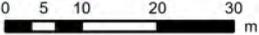
Report prepared by Emma Baxter, Graduate Planner and Case Officer

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

Crombie Point



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Legend	
 Application Boundary	
	
 COUNCIL Planning Services	

ITEM NO: 7

APPLICATION FOR FULL PLANNING PERMISSION REF: 23/00132/FULL

SITE ADDRESS: 6 BLAIR PLACE KIRKCALDY FIFE

**PROPOSAL: ERECTION OF PERGOLA, RAISED PLATFORM AND WOODEN
POLES TO REAR OF DWELLINGHOUSE (RETROSPECTIVE)**

**APPLICANT: MR WAHEED ASLAM
6 BLAIR PLACE KIRKCALDY FIFE**

**WARD NO: W5R09
Burntisland, Kinghorn And West Kirkcaldy**

CASE OFFICER: Gary Horne

DATE REGISTERED: 27/01/2023

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

Twelve representations have been submitted which are contrary to the officer recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Unconditional Approval

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

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

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for

the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

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

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

1.0 BACKGROUND

1.1 This application relates to a single storey detached dwellinghouse situated within the Kirkcaldy settlement boundary. The property, which includes a domestic garage to the side and dormer extensions to the front and rear, is externally finished with a roughcast render, facing brick, concrete roof tiles and uPVC windows. The development site is located within an established residential area set amongst properties of a varying architectural form and scale. The prevalent pattern of the development within the streetscene is large two storey dwellinghouses, with this dwelling being the only single storey dwelling on the approach or surrounding the adjacent cul-de-sac.

1.2 This application seeks retrospective planning permission for the erection of a pergola and wooden poles to the rear of the dwellinghouse, the formation of a raised platform and erection of fences.

1.3 The proposed pergola occupies a footprint of approximately 22m², measures approximately 2.95m at its highest point and is constructed in timber including a 500mm raised platform formed with railway sleepers below the open slatted roof. Furthermore, two telegraph style wooden poles have been erected within the rear garden area - one on the easterly boundary and one to the immediate east of the pergola. The poles which are to facilitate the creation of a zipwire, are approximately 5m in height above ground level however it is proposed to reduce the height of the poles to 3.2m and 3.7m respectfully. An additional raised platform, raised 820mm above ground level, would be formed adjoining the higher of the two poles to be used in conjunction with the planned zip lines. It is also sought to regularise the boundary fence erected to the rear of the site which measures approximately 2.7m above ground level and a 1.8m high timber fence erected between the side elevation of the dwelling and the garage.

1.4 Planning Permission was granted in January 2023 (22/01326/FULL) for the erection of a single storey extension to the garage to form ancillary accommodation. Planning Permission was also previously sought (22/02657/FULL) for the erection of a pergola, raised platform and poles however was withdrawn in November 2022 following discussions with the applicant and discrepancies within the submission.

1.5 A physical site visit was undertaken during the assessment 22/02657/FULL prior to its withdrawal. No further site visit has been undertaken, however it is considered that all necessary information has been collated to allow the full consideration and assessment of the application.

2.0 POLICY ASSESSMENT

2.1 The issued are to be assessed against the Adopted FIFEplan 2017 policies and other related guidance are as follows:

- a) Design and Visual Impact
- b) Residential Amenity Impact

2.2 Design and Visual Impact

2.2.1 Policies 14 and 16 of the Adopted National Planning Framework 4 (NPF4) (2023) and Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017) apply in this respect.

2.2.2 National Planning Framework 4 (NPF4) Policy 14 focuses on design, quality, and place, and supports development that is consistent with the Six Qualities of Successful Places: healthy, pleasant, connected, distinctive, sustainable and adaptable. NPF4 Policy 16 supports development that will not have a detrimental impact on the character or environmental quality of the home, and the surrounding area in terms of size, design, and materials. FIFEplan 2017 Policy 10 also requires that development must not lead to a detrimental visual impact on the surrounding area.

2.2.3 The proposed pergola, incorporated raised platform and additional raised platform are sited to the rear of the dwellinghouse in this instance, behind a secondary elevation, and largely obscured from public views. The roof section of the pergola protrudes approximately 200mm above the boundary fence and therefore can be seen from vantage points within the adjacent cul-de-sac however within the context of the surrounding residential properties, it is considered that the proposed pergola and raised platform have no significant detrimental impact upon the visual amenity of the area. Appropriate finishing materials have been used. It should be noted that in accordance with The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, the proposed pergola and attached raised platform would be considered Permitted Development had they been built independently of one another. A structure of this type is permitted up to 3m in height above ground level (2.95m in this instance) whilst a raised platform is permitted up to 500mm (500mm in this instance). The addition of any structure above 2.5m to a raised platform does require Planning Permission however, which is the case in this respect. The additional 820mm raised platform would require consent in any circumstances, however it would be entirely concealed from public view in this instance and is considered acceptable.

2.2.4 Whilst the proposed timber poles have been erected to be used as support structures for a zip line, it should be noted that the zip line does not in itself require Planning Permission and only the physical infrastructure is being assessed as part of this application. In accordance with The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, structures of this type can be erected up to a height of 3m before requiring Planning Permission. In this instance, the wooden pole sited on the eastern boundary would measure 3.2m, only slightly exceeding the permissible GDPO height, whilst the pole sited next to the pergola would extend to 3.7m in height. The proposed poles would be visible from the surrounding streetscene and the adjoining properties to the north and east however, given 3m high poles could be erected without permission, it is considered that there are no additional significant impacts by increasing the heights of these poles by 200mm and 700mm. The neighbouring property to the east does have garden ground which slopes down to a considerably lower ground level than the development site and therefore the pole on the boundary would be approximately 1m higher from the back door of the neighbouring property.

The poles would be sited amongst a backdrop of mature trees however and it is considered that the additional 200mm in pole height that what could be achieved without Planning Permission would not cause significant visual harm.

2.2.5 The applicant has excavated a section of sloping ground to the rear of the property in order to create a level area. There unfortunately is no photographic evidence of the previous ground levels however the submitted plans indicate a 900mm difference in previous ground levels. Given the 900mm reduction in ground height along the boundary, the 1800mm fence that has been erected is now sited 2700mm above ground level with a 900mm retaining wall underbuild installed. The fence is slightly higher than the height of the fence to the immediate rear along the same boundary shared with neighbouring property to the north however is considered to have no significant additional visual impact upon the surrounds and has been constructed with appropriate materials. The applicant proposes to extend the fence along the perimeter of the site to the west replacing a section of the existing high hedge, before the dropping the fence to 1.1m in height as the perimeter curves. Given the adjacent neighbouring fence and development site 2m high hedge in situ there are no further visual concerns associated with the additional fencing proposed. A further fence already erected, from the side of the dwellinghouse between the dwelling and the garage and measuring 1.8m in height is considered appropriate, is stepped behind the established building line of the dwellinghouse, matches similar examples of visible fences within the locale and replaces a previous brick built wall of a similar height.

2.2.6 Twelve representations have been received in this instance, raising various concerns including the following issues in relation to visual amenity;

- Height of the proposed poles/overbearing impact.

As detailed above, the height of the poles as currently installed (5m) is not what is being applied for and the proposed pole heights of 3.2m and 3.7m are not considered to introduce any additional significant visual detriments beyond the 3m height that could be installed without Planning Permission being required. It is appreciated that the pole on the eastern boundary would have additional elevation when viewed from the back doorstep area of No.4 Blair Place given the change in ground levels however, given the applicant would only have to reduce the height of the pole by 200mm for the pole to be Permitted Development and the backdrop of mature trees, it is considered that there is no significant overbearing impact being introduced in addition to what can be achieved without consent being required.

- Height of the fence

The proposed fence, whilst 2.7m high from the ground level of the development site, does not appear 2.7m high from the neighbouring site to the north or from street level given the variance in ground levels. Whilst the proposed fence does not align with the heights of the existing fence along that boundary within the neighbours site, there is not considered to be sufficient grounds to refuse planning permission for the fence and seek its removal through the enforcement process.

2.2.7 In light of the above, the proposal is considered acceptable in this instance in terms of form, scale, layout, detailing and choice of materials; would have no adverse effect upon the surrounding environment and would be in compliance with the Development Plan and its related guidance.

2.3 Residential Amenity

2.3.1 Policy 16 of National Planning Framework 4 (NPF4) (2023), Policies 1 and 10 of FIFEplan Local Development Plan (2017), Fife Council Customer Guidelines on Garden Ground (2016) and Fife Council Customer Guidelines on Daylight and Sunlight (2015) apply in this respect.

2.3.2 National Planning Framework 4 (NPF4) Policy 16 supports development that will not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing, or overlooking. Policy 10 of FIFEplan specifically requires development to address the potential loss of privacy and sunlight and daylight.

2.3.3 Given the orientation of the development site in relation to the surrounding curtilages, it is considered that there would be no significant impact upon the daylight enjoyed within the neighbouring property or the sunlight enjoyed within the neighbouring rear amenity spaces. Those amenity spaces would still enjoy at least two hours of direct sunlight in accordance with the recommendations set out in the relevant BRE guidance.

2.3.4 Whilst it is proposed to erect a 820mm raised platform within the rear garden ground, it is considered that the 2700mm and 1800mm fences already in situ would provide sufficient privacy screens to ensure the continued enjoyment of the neighbouring properties. When standing upon this proposed platform the average eye level of an adult would be below the 2700mm fence to the immediate rear whilst the opposing 1800mm fence sited 17m to the east would sufficiently screen the adjoining garden area which slopes down towards the neighbouring dwelling. The proposed 500mm raised platform is sited in a similar position within the site is therefore also considered acceptable.

2.3.5 It is considered that there would be no significant loss of garden ground associated with this development, with the two raised platforms still qualifying as usable garden ground.

2.3.6 Twelve representations have been made in this instance raising various concerns including the following in relation to residential amenity;

- Loss of Privacy

As detailed above, it is considered that the proposed boundary screens shall provide sufficient screening to ensure that anyone using the proposed raised platforms cannot view into the neighbouring properties or garden areas.

- Loss of Sunlight/Daylight

Concern has been raised that the proposed pergola and fence shall impact upon the natural light enjoyed by the properties to the north and east. The proposed pergola does not have solid walls or a solid roof and as such would not provide a solid barrier to light. The proposed fence only marginally protrudes above the existing fence, sited immediately to the north and therefore would have no additional significant impacts. The proposed poles are considered minor in scope in terms of their width and mass and, whilst they will clearly cast shadows, would have no significant overshadowing impacts.

2.3.7 The proposal is considered acceptable in this respect in terms of overshadowing, overlooking and garden ground, would be compatible with its surrounds in terms of land use and would be in compliance with the Development Plan and relevant guidance.

CONSULTATIONS

Scottish Water

No objections.

REPRESENTATIONS

Twelve representations have been received in this instance. Concerns relating to visual amenity and residential amenity have been noted and considered within sections 2.2.6 and 2.3.6.

As noted within the main body of the report, the applicant intends to use the proposed poles as support structures for a zip wire. The installation of the zip wire between the two poles and its use as a zip wire are not considered to be development and therefore consent is not required. As such, concerns relating to the use of the zip wire including noise pollution concerns, road safety concerns, privacy concerns, the impact upon and the out of keeping nature of a zip wire within a residential environment cannot be considered as part of this application and therefore non-material considerations.

Further concerns relating to the safety of the proposed structures and land ownership are not within the jurisdiction of the Planning Authority and are therefore also materially irrelevant to this assessment.

CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of the Development Plan and relevant Fife Council Customer Guidelines. The proposal is compatible with the area in terms of land use, design and scale and will not cause any significant additional detriment to the amenity of the surrounding area, and is therefore considered to be acceptable.

RECOMMENDATION

It is accordingly recommended that the application be approved unconditionally

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

Development Plan:

National Planning Framework 4 - Adopted (February 2023)

FIFEplan Local Development Plan (2017)

Other Guidance:

Fife Council Planning Customer Guidelines on Garden Ground (2016)

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

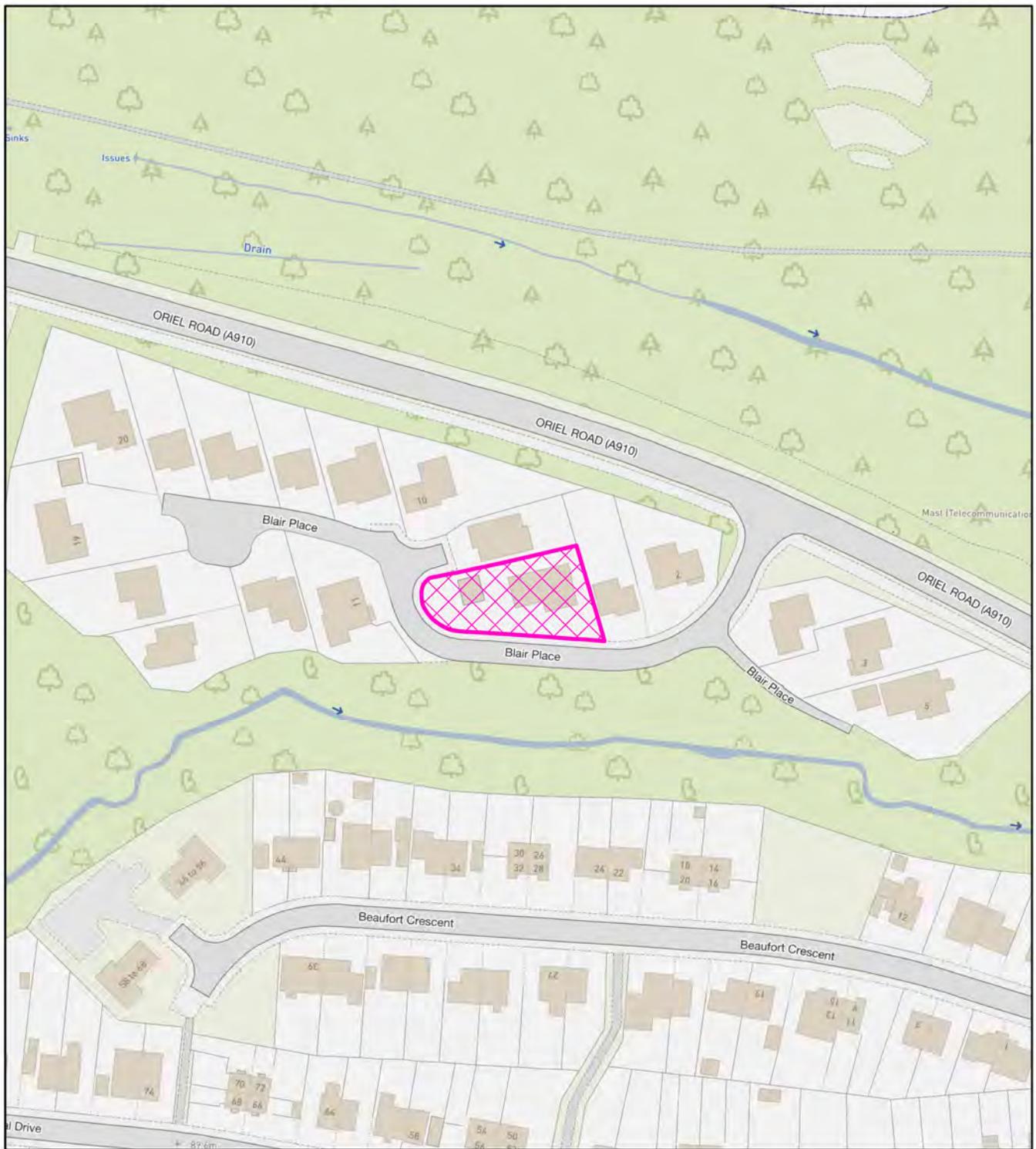
Report prepared by Gary Horne, Planning Assistant and Case Officer

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

Date Printed 12/05/2023

23/00132/FULL

6 Blair Place, Kirkcaldy



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Legend			
	Application Boundary		

0 5 10 20 30 m

ITEM NO: 8

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/03945/FULL

SITE ADDRESS: SOUTH PARGILLIS CLOCKLUINE ROAD HILLEN

PROPOSAL : ERECTION OF A BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE INCLUDING DNO SUBSTATION, SWITCHROOM BUILDING, STORAGE CONTAINERS, FENCING AND CCTV CAMERAS

**APPLICANT: RENEWABLE CONNECTIONS DEVELOPMENTS LTD
141-145 CURTAIN ROAD 3RD FLOOR LONDON**

**WARD NO: W5R06
Inverkeithing And Dalgety Bay**

CASE OFFICER: Scott Simpson

DATE 19/01/2023

REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

This application relates to a major development and an objection has also been received from a statutory consultee.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

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

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

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.

1.0 BACKGROUND

1.1 Site Description

1.1.1 The application site measures approximately 11,930 square metres and is located around 300 metres north of the village of Hillend, and around 820 metres to the north-west of the Dalgety Bay settlement boundary as designated within LDP. The site is also located on an area of vacant brownfield land previously used for storage in connection with the adjacent Growforth plant nursery business. The site is bounded by the B916 Clockluine Road to the east and countryside, including significant tree planting, on the site boundaries to the west, north and south of the site. The site is flat but sits in the narrow valley of the Keithing Burn, which runs east-west, just to the north of the application site. A mill lade runs on the same east-west plane to the south of the site. The main East Coast Main Railway line lies around 100 metres to the south of the site between Hillend and the site. Access into the site is taken from Clockluine Road to the east via a shared access with Growforth Plant nursery. The western and southern side of the site is predominantly occupied by unimproved grassland while the eastern part is covered by a hardstanding surface and is used as a storage yard.

1.1.2 Parts of the site are located within a fluvial flood risk area (1 in 10 year and 1 in 200 year) as per SEPA's flood risk maps. A Core path (R653 - Cycleway Hillend to Fordell) is located to the east of the site and this runs along Clockluine Road. A claimed right of way is also located approximately 121 metres to the south of the site. Fordell Castle Garden and Designed Landscape is located to the east of the site and is located on the opposite side of Clockluine Road.

1.2 Proposal

1.2.1 This application seeks full planning permission for the erection of a battery energy storage system and associated infrastructure including a DNO substation, switchroom building, storage containers, fencing and CCTV cameras. The system would have a maximum import capacity of 42 MW. There would be 460 battery units on the site positioned in 5 groups with each group consisting of 8 rows of battery units and 11 Medium Voltage Skid (MV) platforms comprising 1 x

inverter and 1 x transformer unit. The MV units would measure approximately 2.3 metres high x 2.2 metres wide x 5.6 metres long and would have a galvanised steel finish. The DNO substation would measure approximately 4.1 metres high x 5.8 metres wide x 8 metres long. The switchroom building and spare parts would be located within two storage containers which would have a corrugated metal finish and would measure approximately 3.04 metres high x 12.1 metres long x 2.6 metres wide. The batteries would be located within storage containers which would measure approximately 2.2 metres high x 1.3 metres wide x 1.3 metres deep. These containers would include 8 battery modules a chiller and control box along with smoke detectors, heat detectors and an aerosol for fire protection purposes. CCTV cameras would be located around the site and would be located on approximately 3 metres high posts, whilst the proposed perimeter palisade fencing would be approximately 3 metres high. Access would be taken via the existing shared access from Clockluine Road to the east. The point of connection to the grid would be via an underground cable running north across Keithing Burn and then following along the southern edge of the neighbouring field westward before connecting into the Inverkeithing Grid Supply point approximately 800 metres to the west of the site. This cable is being assessed under a separate application for planning permission (23/00081/FULL) which is included on the agenda for this Planning Committee. Landscaping would include planting along the boundaries to provide natural screening.

1.3 Planning History

1.3.1 The relevant recent planning history for the application sites and surrounding area is as follows:

- Full planning permission (17/02960/FULL) for the installation of an electricity generation plant (19.9MW) and associated infrastructure was withdrawn on 1st March 2018.
- Full planning permission (18/02725/FULL) for the installation of an electricity generation plant (19.9MW) and associated infrastructure was refused on 18th April 2019. This application was refused as the emission from the gas engines could have a detrimental impact on nearby sensitive receptors and it had not been demonstrated that this could be mitigated against. The proposal was also refused as insufficient landscape and visual impact assessment information had been provided which would allow the Planning Authority to fully assess the impact of the proposal. This application was then appealed (20/316) to Fife Council's Planning Review Body (FPRB). A hearing session was held on 20th January 2020 by the FPRB regarding this case and the application was then refused on 13th February 2020, by the FPRB, as the proposal could have significant adverse air quality impacts and due to its detrimental impact on the visual amenity of Hillend.
- A proposal of application notice (21/02713/PAN) for a 42MW battery storage energy system (BESS) with associated infrastructure was submitted on 25th August 2021 and was agreed on 14th September 2021.
- An EIA screening request (21/02714/SCR) for this proposal was submitted on 27th August 2021 and a screening opinion was provided on 16th September 2021 advising that an environmental impact assessment would not be required.
- Full planning permission (03/02605/WFULL) for erection of polytunnels was approved with conditions on 29th September 2003. These polytunnels are located on the western side of the existing garden centre.
- Full planning permission (05/01005/WFULL) for siting of static residential caravan (In Retrospect) was approved with conditions on 31st August 2005. This caravan was only to be used by seasonal workers employed by the Growforth business and was to be removed from the site in August 2010. This caravan is still on site, however, it is no longer being used for residential purposes and is being used for storage purposes ancillary to Growforth Nursery. The

landowner has confirmed to the applicant that they will remove the caravan if necessary. This is, however, a matter which will be investigated separately.

- Full planning permission (10/03311/FULL) for redevelopment of existing sui generis wholesale nursery to incorporate: erection of poly-tunnels, relocation of existing poly-tunnels, upgrading of existing access road junction, erection of multi-functional community, social enterprise, learning and events building with integral market garden shop (class 1) and café (class 3), and associated parking and landscaping was approved with conditions on 4th March 2011. An application (20/02904/FULL) to amend this approval (10/03311/FULL) was then approved with conditions on 8th September 2020.

- Full planning permission (20/02904/FULL) for erection of retail unit (Class 1) and cafe (Class 3) associated with existing horticultural centre including formation of parking, siting of 2no. storage containers and polytunnels and associated landscaping (amendment to 10/03311/FULL) was approved with conditions on 8th September 2021.

1.4 Application Procedure

1.4.1 A letter of objection advises that no consultation has taken place, however, it is considered that the necessary consultation has been carried out in relation to this application and this is further set out below.

1.4.2 The proposal comprises development of an energy storage facility which has a capacity which exceeds 20 megawatts. The Chief Planners Letter dated 27th August 2020 advises that the Scottish Government considers that a battery installation generates electricity and is therefore to be treated as a generating station. This application is, therefore, classified as a Major Development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The applicant has carried out the required pre-application consultation (ref: 21/02713/PAN) and a Pre-Application Consultation Report outlining comments made by the public has been submitted as part of this application. The manner of the consultation exercise, including the notification and media advertisement process, complied with the relevant legislation.

1.4.3 A physical site visit has not been undertaken for this application, however, the case officer has visited the site and surrounding area previously for application reference 17/02960/FULL (see section 1.3 above) in October 2017. All necessary information has been collated digitally and drone footage has also been carried out in January 2023 to allow the full consideration and assessment of the proposal. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

1.4.4 This application was advertised in The Courier newspaper on 26th January 2023. Neighbour notification letters were also sent out to all physical premises within 20 metres of the application site boundary on 19th January 2023.

2.0 ASSESSMENT

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

- Principle of Development, including Contribution to Renewable Energy Supply
- Landscape and Visual Impact, including impact on nearby Fordell Castle Garden and Designed Landscape

- Amenity Impact including noise, construction impacts and light pollution
- Transportation/Road Safety
- Community and Economic Benefits
- Water/Drainage/Flood Risk
- Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats and Biodiversity Enhancement
- Contaminated Land/Land Stability
- Archaeological Impact
- Decommissioning of the proposal

2.2 Principle of Development including Contribution to Renewable Energy Supply

2.2.1 NPF4 sets out the overarching spatial strategy for Scotland to 2045. Policy 1 (Tackling the climate and nature crises) of NPF4 states that when considering all development proposals significant weight will be given to the global climate and nature crises.

2.2.2 Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 states that proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings will be supported. It further advises that in determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account. This policy seeks 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.

2.2.3 Policy 11 (Energy) of NPF4 states that proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, and these include enabling works, such as grid transmission and distribution infrastructure. The policy further states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy 11 also advises that significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. The policy further states that project design and mitigation will demonstrate how the following impacts are addressed:

1. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
2. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
3. public access, including impact on long distance walking and cycling routes and scenic routes;
4. impacts on aviation and defence interests including seismological recording;
5. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
6. impacts on road traffic and on adjacent trunk roads, including during construction;
7. impacts on historic environment;
8. effects on hydrology, the water environment and flood risk;
9. biodiversity including impacts on birds;
10. impacts on trees, woods and forests;
11. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

12. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
13. cumulative impacts.

2.2.4 Policy 29 of NPF4 states that proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including essential infrastructure. This policy further advises that proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area, whilst they should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

2.2.5 The glossary of NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission, electricity grid networks and primary sub stations. A battery installation should also be considered to generate electricity and is therefore to be treated as a generating station as per The Chief Planners Letter dated 27th August 2020.

2.2.6 The Scottish Government's Energy Storage: Planning Advice document (2013) provides advice for Planning Authorities on energy storage and states that energy can be stored at variable scales, for both electricity and heat, in a number of ways, through technologies such as hydro pumped storage, hydrogen and fuel cells, compressed air and cryogen. This document further advises that a clear case has been made that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage, whilst, energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production and can provide energy on demand off-grid in a variety of ways. Oversupply is likely to become more prevalent the closer Scotland gets to realising its 100% electricity from renewables target. It is also expected that energy storage will be essential if Scotland is to realise its ambition to become a renewable energy exporter and to attract the economic advantages of ensuring that the energy storage supply chain locates in Scotland. The document also advises that in deciding applications for all renewable types Planning Authorities should consider the potential for energy storage such as hydrogen and fuel cell storage, within the site or in accessible nearby sites or within transitional technologies and that they should encourage new developments to plan for energy centres incorporating transitional technologies which give the potential for energy storage linked to renewable storage at a future date.

2.2.7 Policy 1, Part A, of the LDP stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the LDP. Policy 7 (Development in the Countryside) of the LDP states that development in the countryside will only be supported where it is for other development which demonstrates a proven need for a countryside location. Policy 7 also advises that in all cases development must be of a scale and nature compatible with surrounding uses; be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

2.2.8 Fife Council's Low Carbon Supplementary Guidance (2019) advises that consideration of the scale of contribution to renewable energy generation targets and the effect of proposals on greenhouse emissions shall form part of the assessment process.

2.2.9 Objections have been received which state that the proposal would not be connected to a renewable energy source. The Community Council also advise that the proposal would not comply with the Development Plan and other alternative sites have not been considered. The acceptability of the principle of the development and the matter relating to site selection is fully assessed below.

2.2.10 The application site is located outwith any designated settlement boundary and is, therefore located within the countryside as per the LDP. It has previously been accepted that this type of infrastructure may have a proven need for a countryside location as required by Policy 7 of the LDP. Policy 29(a) (Rural Development) of NPF4 also provides support for essential infrastructure applications of this type within the countryside, whilst Policy 11 of NPF4 provides support in principle to new and replacement transmission and distribution infrastructure providing the proposal is designed to address its impacts, with significant weight to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

2.2.11 The agent has submitted a site selection appraisal which states that there is a specific locational requirement for the development to be close to an appropriate point of connection to the electricity grid network (ideally within 3 kilometres). The further that this type of development is located from the substation, the greater the connection costs and greater the electrical transmission losses, thereby affecting their viability. This process involved an initial review of the Scottish Power Energy Networks (SPEN) network and consultation with SPEN. Their submission states that the grid system across Scotland and the UK is very constrained with little headroom for additional capacity and Inverkeithing is one of the few places where there is capacity to connect. They advise that the applicant considered a range of potential development sites and targeted developments on land in close proximity to the Inverkeithing grid supply points as this has adequate import and export capacities that could accommodate battery storage developments. The site review process considers the constraints of each site such as steep topography, areas of high landscape and/or ecological sensitivity, and areas within built up settlements and these areas were excluded from selection. A summary of the six discounted sites, along with justification, is provided on the submitted maps, whilst, the selected site, and justification for the selection, is also presented on the maps. The appraisal states that the site was chosen for its proximity to the SPEN Inverkeithing Grid Supply Point (800 metres to the west) which provides access to the local network without having to travel large distances or cross major infrastructure, keeping connection costs to an acceptable level and minimising transmission losses. The agent also advises that the site was chosen as there is a sufficient area of flat open ground, a willing landowner, the site is well screened with few neighbouring sensitive receptors, and it does not have many constraints such as statutory environmental designations. The reasons that the potential alternate sites were discounted include no willing landowner, visibility in the wider landscape, complicated cable routes such as under Clockluine Road or under a railway line, sites are within a Garden and Designed Landscape, sites adjacent to a listed building, several residential properties nearby and several overhead cable lines to the west.

2.2.12 The proposed development would have an output of upwards of 42 MW and would make a contribution to the nation's electricity needs and the Government's energy objectives. The design and access statement also advises that at maximum capacity the proposal could store and release power for tens of thousands of homes over a two-hour period and could displace up to 6000 tonnes of CO₂ from fossil fuel sources per year of operation. The statement further advises that this would help make renewable sources of energy more reliable and that the proposal would contribute to Fife's net zero targets.

2.2.13 In this case, whilst it is recognised that there are elements of both national guidance and the LDP which discourage development within the countryside, the applicant has submitted sufficient supporting information which details the reasoning for the facility to be situated at this location as it requires to be located close to an existing substation site and would make use of previously developed land as supported by Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4. The proposal would also comply with Policy 29 of NPF4 as it is essential infrastructure, and this policy provides support for essential infrastructure applications of this type within the countryside. Additionally, the proposal is considered to merit the need for a countryside location as the nature of such a development could impact on residential amenity, primarily through noise, and general safety were it to be located within a settlement boundary and closer to residential areas and the submission has evidenced the need for a countryside location in compliance with Policy 7 of the LDP. The proposal would also contribute to the need for improved energy infrastructure within Fife and would contribute to Fife's Net zero targets as set out in section 2.2.12 above and would, therefore, comply with Policy 11 of NPF4 which provides support for all forms of renewable, low-carbon and zero emissions technologies. In conclusion, it is considered that the applicant has justified the need for the development to be located in the countryside and the proposal has met the requirements of the Development Plan. The principle of the energy storage facility therefore accords with the provisions of National Guidance and the Development Plan. The proposal would also operate for a temporary period and a draft condition has been attached to this recommendation requiring that on expiry of the temporary period, the battery storage facility and its ancillary equipment shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority. The overall acceptability of such a development must, however also meet other policy criteria and the proposal should not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated. These issues are considered in detail below.

2.3 Landscape and Visual Impact including impact on nearby Fordell Castle Garden and Designed Landscape

2.3.1 Policy 11 (Energy) of NPF4 states that project design and mitigation will demonstrate how visual impacts on communities and individual dwellings are addressed along with any significant landscape and visual impacts and cumulative impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable. The policy also advises that impacts on the historic environment should also be addressed through acceptable design and mitigation.

2.3.2 Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It further advises that development proposals will be supported where they are consistent with the six qualities of successful places (Health, Pleasant, Connected, Distinctive, Sustainable and Adaptable) and development which is poorly designed or inconsistent with the six qualities will not be supported. Annex D of NPF4 sets out further details relating to the delivery of these six qualities of a successful place. Policy 29 of NPF4 states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. Policy 7 of NPF4 states that proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.

2.3.3 Historic Environment Scotland's Guidance on Managing Change in the Historic Environment: Gardens and Designed Landscapes sets out the principles that apply to developments affecting Inventory gardens and designed landscapes. The guidance advises that development outside an Inventory site boundary may impact on the site's setting, therefore, any proposals should be carefully designed and located to minimise any such impacts.

2.3.4 Policies 1 and 10 of the LDP advise that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area. Policy 7 of the LDP continues that new development in the countryside must be of a scale and nature that is compatible with its surrounding uses and must be located and designed to protect the overall landscape and environmental quality of the area. Policy 13 of the LDP states that development proposals will only be supported where they protect or enhance natural heritage and access assets including landscape character and views.

2.3.5 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how development proposals can be evaluated to ensure compliance with the six qualities of successful places. The guidance sets out the level of site appraisal an applicant is expected to undertake as part of the design process. This includes a consideration of the landscape setting, character and the topography of the site. The appraisal process may also require an assessment of the townscape character of the site context, where appropriate. Appendix B of the Supplementary Guidance sets out the detailed site appraisal considerations in relation to landscape change.

2.3.6 A Fife Landscape character assessment was carried out in 1999 and this is included within the NatureScot Landscape Character Assessment (2019). The proposal would be located in the Lowland Hills and Valley Landscape area (FFE5) and approximately 300 metres to the north of Coastal Hills Landscape Area (FFE11) as shown on the NatureScot Landscape Areas Character table and Appendix A, Figure A1 of the LCSG. The Hillend Settlement is located between these two landscape areas.

2.3.7 The Community Council and other objectors state that the proposal would negatively impact the countryside, landscape, and visual amenity.

2.3.8 The agent has submitted sections, contextual drawings and a landscape and visual impact assessment which includes a zone of theoretical visibility (ZTV) and photos taken from six viewpoints. These demonstrate how the proposal would sit within the site and the surrounding landscape. The assessment used a study area of 2 kilometres from the site as the development would be imperceptible beyond this. The ZTV shows where the proposal would theoretically be visible from within a 2-kilometre radius of the site. This demonstrates that views of the site would be very localised, and six viewpoints were identified to illustrate the potential visual impacts of the development;

- Viewpoint 1 was taken from the east of the site adjacent to the access on the B916 Clockluine Road.
- Viewpoint 2 was taken from the footpath next to Clockluine Road to the south of the site.
- Viewpoint 3 was taken from the B981 near Dales Farm Cottage.
- Viewpoint 4 was taken from the B916 Clockluine Road near Balbougie Farm Cottage to the north of the site.

- Viewpoint 5 was taken from Struan Drive near Fairy Kirk, Inverkeithing.
- Viewpoint 6 was taken from a public footpath near the A921 distributor road to the south-west of the site.

2.3.9 The landscape assessment concludes that the proposal would result in localised adverse landscape effects and visual effects, with relatively higher levels of effect in and immediately around the site itself. Beyond the site boundaries, effects would reduce with distance and the screening impact of vegetation and topography. Distant views are obtained from elevated locations, but the site is then seen as a very small part of what are typically wide, expansive views of the surrounding landscape, much of which is already influenced by the presence of infrastructure and built development including the Growforth Plant Nursery, directly adjacent to the site. The assessment further advises that the proposal would introduce new features and structures within the landscape, however, given the site is located on previously developed land which has been used for storage purpose for the Nursery, there would only be a minor alteration to the character of the site. The surrounding vegetation and undulating landform would mean that this would only be perceptible from within a limited area around the site. Furthermore, the presence of the existing electricity transmission infrastructure, and other grey infrastructure and developments within and adjacent to the site would mean that the development would not be uncharacteristic when set within the attributes of the receiving landscape. The assessment advises that the changes would not exceed slight adverse on the site and its vicinity. Effects would also reduce over time as the existing and proposed vegetation matures. The assessment also advises that the most noticeable effects experienced by residential receptors would be by the residents on the northern edge of Hillend and of Balbougie Farm Cottages. They would experience “moderate adverse” effects, as the majority of the development would be screened by the landform and vegetation. Proposed planting along the southern site boundary would provide additional screening for the residents of Hillend as it establishes, and sections have been submitted to demonstrate this.

2.3.10 In this instance, the scale of the proposal is such that changes to the landscape as a result of the development would be limited to a small area of previously developed land and unimproved grassland. The proposed battery storage facility also avoids the need to remove mature trees and hedgerows within the site and, as illustrated within the proposed landscaping drawings, additional hedgerows and planting are proposed along the southern site perimeter to screen and aid visual enclosure and enhance biodiversity of the site. The battery storage units and fence are to be finished in white or green colour and as it is considered that the green colour would be most suitable at this location, a condition is recommended regarding this. In the context of the immediate surrounding landscape, the proposal would be consistent with other features such as the adjacent Growforth Plant Nursery and the previous storage use of the site, therefore, it is not considered that the development would appear as an incongruous addition to the landscape. The LVIA does advise that the proposal would result in localised adverse landscape effects and visual effects from the north of Hillend and Balbougie Farm Cottages. These impacts will be mitigated through the introduction of planting and the overall effect on landscape would be low, given that the site is previously developed land and as the development would not block any views to the wider landscape. Policy 11 of NPF4 also advises that where impacts are localised and/or appropriate design mitigation has been applied for this type of development, they will generally be considered to be acceptable. In combination with the site selection process, which requires developments of this nature to be in close proximity to Electricity substations with sufficient capacity to deal with the electricity being imported and exported from and to the grid, and the governments aspirations for the planning system to help reduce emissions and energy use by enabling development that contributes to efficient energy supply and storage, it is therefore considered that any localised impact on the landscape, as

described above, can be accepted. Whilst details of landscaping have been submitted, it is considered that this can be further improved, and a condition is recommended regarding this matter. The proposed battery storage facility and associated infrastructure would, therefore, not appear as an incongruous addition to this previously developed area and would be visually acceptable within the context of the previous use of the area for storage purposes and due to the adjacent Growforth Plant Nursery buildings and polytunnels. The proposal would, therefore, be visually acceptable, would have no significant detrimental impact on the site or surrounding landscape and would comply with the Development Plan in this respect.

2.3.11 The proposal is also located adjacent to the Fordell Castle Garden and Designed Landscape which is to the east of the site on the opposite side of Clockluine Road. Historic Environment Scotland was consulted in relation to the development's potential impact on this Garden and Designed Landscape and had no objections to the proposal. The proposal would also be located on the western side of Growforth Plant nursery buildings and infrastructure, therefore, it would have no significant impact on this adjacent Garden and Designed Landscape. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.4 Amenity Impact, including noise, construction impacts and light pollution

2.4.1 Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. This policy further states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

2.4.2 Policies 1 and 10 of the LDP state that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected.

2.4.3 The Community Council and other objectors state that the noise report is not adequate to determine noise impact and on all frequencies the power station and its substation will be heard above all background noise. They also consider that the noise report has errors and relies on a six-year-old noise report. They also state that the proposal is too close to housing and could result in noise and air pollution. These matters are fully assessed below.

2.4.4 Noise

2.4.4.1 PAN (Planning Advice Note) 1/2011 Planning and Noise 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.

2.4.4.2 Policy 11 of NPF4 states that project design and mitigation will demonstrate how impacts on communities and individual dwellings, including, residential amenity and noise are addressed. Policy 23 (Health and Safety) of NPF4 requires that development proposals that are likely to raise unacceptable noise issues will not be supported, whilst the agent of change principle applies to noise sensitive development and a noise impact assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

2.4.4.3 Policies 1, and 10 of the LDP state that proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to noise and they will only be supported where they will have no significant detrimental impact on the operation of existing or proposed businesses and commercial operations or on the amenity of surrounding existing land uses.

2.4.4.4 Fife Council's Policy for Development and Noise (2021) sets out how noise impact should be considered through the planning process. It advises that the noise impact arising from development should be considered and mitigated and residential development should not unacceptably affect existing businesses or be built in locations which would be affected by excess or inappropriate noise levels. The guidance further advises that to achieve wider outcomes of the Local Outcome Improvement Plan and the LDP, it is recognised that the physical separation of noise and noise sensitive development will not be possible in all circumstances and that it may be appropriate to make provision for development in certain exceptional circumstances to achieve wider strategic objectives. For the purposes of this guidance, exceptional circumstances are proposals which aim to secure appropriate redevelopment of brownfield sites, which promote higher levels of density near transport hubs, and which secures higher density development in town centres and larger urban settlements.

2.4.4.5 The nearest residential properties would be located approximately 300 metres to the south of the site within the village of Hillend and approximately 610 metres to the north of the site at Balbougie Cottage. An acoustic report (AR) which assesses this noise impact has, therefore, been submitted in support of this application. The assessment findings demonstrate that the noise associated with the proposal would be low at existing noise sensitive receptors and would be below existing background noise levels, therefore, no mitigation measures are required in relation to the proposal. The AR also carried out an investigation into whether noise levels within first floor bedroom areas during the night-time would exceed the BS8233 Noise Rating Curve assessment. The report advises that the NR25 noise curve represents a good standard for noise levels in bedrooms during the night and the findings show that there would be no significant noise impact on any nearby noise sensitive receptors as the noise levels would be below the recommended NR25 and significantly below 20dB in bedrooms during the night-time.

2.4.4.6 Fife Council's Environmental Health Public Protection team advise that they agree with the methodology used and the findings of the noise report, therefore, they do not object to the proposal. They do, however, recommend a condition requiring that noise emitted from the development shall not exceed NR25 when measured in the nearest bedroom with windows open. They also advise that they have no concerns with the use of the 2017 background noise levels used as a basis for the AR, as there has been no significant change in the locality since then to warrant this being updated.

2.4.4.7 The submitted AR has demonstrated that there would be no detrimental noise impact on the surrounding area as a result of the proposal and the findings of the report are accepted. A draft condition is also recommended requiring that the NR25 noise curve is not exceeded in the nearest bedroom window. The proposal subject to conditions would therefore comply with the Development Plan in this respect and would be acceptable in terms of noise impact.

2.4.5 Construction Impacts

2.4.5.1 Policy 23 of NPF4 states that proposals which are likely to have a significant adverse effect on health will not be supported.

2.4.5.2 Policies 1 and 10 of the LDP advise that development will only be supported if it does not have a detrimental impact on amenity in relation to construction impacts.

2.4.5.3 The AR advises that construction noise will be temporary and would only include relatively light construction work, therefore, it anticipates that no significant impacts would occur. However, to reduce the impacts of noise levels generated by the construction phase to a minimum, best working practices should be adopted such as all machinery being regularly maintained to control noise and vibration emissions, whilst site staff should be made aware of the nearest noise sensitive receptors and should work to best practice methods. A construction traffic management plan has also been submitted which advises that the construction phase would last for a period of between 4 to 6 months and would include a total of 55 deliveries to the site. Deliveries to the site would be made between 10 am and 4 pm and 6 pm to 8 pm, Monday to Friday with Saturday deliveries between 10 am and 1 pm and no deliveries on a Sunday.

2.4.5.4 The proposal is not located within the direct vicinity of any residential properties with the nearest residential area being located approximately 300 metres to the south. Any construction impact would also be temporary in nature, therefore, these would have no significant detrimental impact on the site or surrounding area. A condition is recommended, however, requiring that a Construction Environmental Management Plan (CEMP) be submitted for approval. The remote location of the site and adherence to best working practices detailed in the CEMP will be sufficient to mitigate any potential negative impact during the construction phase. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.4.6 Light Pollution

2.4.6.1 Policy 23 of NPF4 states that proposals which are likely to have a significant adverse effect on health will not be supported.

2.4.6.2 Policies 1 and 10 of the LDP state that proposals will only be supported where they will have no significant detrimental impact on the operation of existing or proposed businesses and commercial operations or on the amenity of surrounding existing land uses. Policy 10 further states that development will only be supported where it will have no significant detrimental impact on amenity in relation to light pollution and the operation of existing or proposed businesses and commercial operations or on the amenity of surrounding existing land uses.

2.4.6.3 The Community Council state that security lighting would result in light pollution and this matter is fully assessed below.

2.4.6.4 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. The proposed 3-metre-high fence along with the proposed and existing planting and trees and the intervening land and buildings would also provide mitigation against this. The proposed lighting could, however, impact on nearby habitats and a condition is recommended requiring the submission of a lighting plan in this respect. This matter is also further assessed under section 2.10.6 (Protected Species and Wildlife Habitats) below. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.5 Transportation/Road Safety

2.5.1 Policy 14 of NPF4 states that development proposals will be supported where they provide well connected networks that make moving around easy and reduce car dependency. Policy 15 (Local Living and 20 Minute Neighbourhoods) requires that development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area. Policy 13 (Sustainable Transport) of NPF4 advises that proposals which improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. It further states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they will provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation. A Transport Assessment should also be submitted where a proposal would generate a significant increase in the number of person trips. Policy 14 also advises that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

2.5.2 Policy 1, Part C, Criterion 2 of the LDP states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of the LDP advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

2.5.3 A construction traffic management plan, including a swept path plan analysis has been submitted which advises that the construction phase would last for a period of between 4 to 6 months with the majority of deliveries taking place over a 16-week period and would include a total of 55 deliveries to the site. Deliveries to the site would be made between 10 am and 4 pm and 6 pm to 8 pm, Monday to Friday with Saturday Deliveries between 10 am and 1 pm with no deliveries on a Sunday. This plan also details the types of vehicles which will be used during the construction phase with the use of HGVs kept to a minimum with the maximum size of vehicle anticipated as a 15.4 metre HGV. The plan also advises that banksmen would be employed to control both pedestrian movements and traffic throughout the construction phase.

2.5.4 The Community Council state that it's not clear from the submission how large construction vehicles will turn and that construction traffic could have a detrimental impact on road safety at the existing access. These matters are fully assessed below.

2.5.5 Fife Council's Transportation Development Management Team (TDM) advise that they have no objections to the proposal subject to conditions relating to the provision of a turning area and wheel cleaning facilities within the site. Conditions are recommended regarding these matters. They also advise that the surrounding public road network can accommodate this amount of HGV's during the construction period and the impact on the access would also be temporary with any large vehicles being assisted in and out of the access by site operatives, whilst, the submitted swept path plans demonstrate that the largest size of vehicle that would be used during the construction phase could safely manoeuvre when taking and access and egress from the existing junction.

2.5.6 The proposal would involve a total of 55 deliveries to the site over a 16-week period. It is considered that the proposal would have no significant impact on road safety due to the temporary nature of the construction period, the low vehicle numbers and the proposed use of banksmen to assist vehicles when entering and exiting the site. The proposal subject to conditions would, therefore, have no significant impact on the site or surrounding area in terms of road safety and would comply with the Development Plan in this respect.

2.6 Community and Economic Benefits

2.6.1 Policy 11 (Energy) of NPF4 states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

2.6.2 Policy 11 of the LDP states that permission will only be granted for new development where it has been demonstrated that the net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities have been demonstrated.

2.6.3 The submitted design and access statement advises that the project will provide valuable inward investment to the local community by enabling local clean energy production and by increased economic activity from construction and maintenance workers. The proposal would also make a significant contribution towards meeting renewable energy targets via providing much needed grid support to facilitate greater deployment of renewable energy. Based on the submitted information, it is considered, that the proposal would provide economic and community benefits as required by Policy 11 of NPF4. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.7 Water/Drainage/Flood Risk

2.7.1 Policy 11 (Energy) of NPF4 states that development proposals will only be supported where they demonstrate how effects on hydrology, the water environment and flood risk have been addressed. Policy 22 (Flooding) of NPF4 states that proposals at risk of flooding or in a flood risk area will only be supported if they are for essential infrastructure where the location is required for operational reasons. This policy further states that it will be demonstrated by the applicant that all risks of flooding are understood and addressed, there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes, the development remains safe and operational during floods and flood resistant and resilient materials and construction methods are used.

2.7.2 Policy 22 also requires that development proposals manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should also presume no surface water connection to the combined sewer and development should seek to minimise the area of impermeable surface.

2.7.3 Policy 20 (Blue and Green Infrastructure) of NPF4 states that proposals for or incorporating new or enhanced blue infrastructure will be supported and where appropriate, this will be an integral element of the design that responds to local circumstances. This policy further states that proposals that include new or enhanced blue infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

2.7.4 Policies 1 and 3 of the LDP state that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or because of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such measures will include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.7.5 Policy 12 of the LDP advises that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.7.6 The Community Council and the letters of objection state that the Flood risk report is inaccurate as it states that flood risk is low on this strip of land, however, the site floods regularly, whilst 600 mm plinths may not be enough to raise the proposal above the flood level.

2.7.7 The agent has submitted a flood risk assessment and surface water management plan. The flood risk assessment concludes that the site has been assessed in terms of flood risk both to and from the development and with mitigation measures in place, the overall flood risk would be low, and the proposal is not predicted to increase flows or flooding offsite. The reports advise that the proposal has a negligible hardstanding footprint and structures will be mounted 600 mm above ground on concrete pads. Whilst maintenance access tracks are needed, they will be free draining and formed in unbound stone with the site essentially remaining as per the previous situation. The report further advises that the site is located within a high risk fluvial and pluvial area and the apparatus will be located outwith the flood zones where possible, however, where the apparatus must be situated within the flood zone, it will be in areas of shallow flooding only (<0.3 metres deep) and the proposed mitigation measures, including the 600 mm concrete plinths would ensure that there would be no inundation. The report also advises that the proposal would mimic existing surface water conditions, therefore, flood risk from the development is considered to be low.

2.7.8 Fife Council's Flooding, Shorelines and Harbours Team advise that they have no objections to the proposed surface water management solution and that they have no objections to the proposal as it is considered to be essential infrastructure. SEPA also has no objections to the proposal being located within a flood risk area as it would be essential infrastructure. 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 the proposal would be located on 600 mm concrete plinths to raise it above the predicted flood level.

2.7.9 Policy 22 (Flooding) of NPF4 also states that proposals at risk of flooding or in a flood risk area will only be supported if they are for essential infrastructure where the location is required for operational reasons. The proposal is considered to be essential infrastructure and is required at this location for operational reasons as discussed earlier in this report of handling. The Community Council states that the flood report is inaccurate as it states that flood risk is low, however, the report states that flood risk would be low to the battery storage facilities with the

proposed mitigation in place and not that the area is at a low risk of flooding. The agent has also advised that a flood alert system comprising flood alert sensors could be installed if required and this can be secured by way of a planning condition prior to the construction of site. The flood alert sensors are posts that are installed on site to monitor groundwater and surface water levels in real-time and provide early flood warning to the site operator to help develop future flood defence measures. This system would help reduce the flood risk to the batteries even further and a condition is recommended regarding this matter. The proposal would therefore be acceptable and would comply with Development Plan Policy in this respect.

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

2.8.1 Policy 3 (Biodiversity) of NPF4 states that proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them, whilst, proposals should also integrate nature-based solutions, where possible.

2.8.2 Policy 4 of NPF4 advises that proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence, whilst the level of protection required by legislation must be factored into the design of the development.

2.8.3 Policy 6 (Forestry, Woodland and Trees) of NPF4 advises that proposals that enhance, expand and improve woodland and tree cover will be supported, however, proposals will not be supported where they would result in the loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition. This policy further states that proposals will not be supported where they would result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.

2.8.4 Policies 1 and 13 of the LDP state that development proposals will only be supported where they protect or enhance natural heritage and access assets including protected and priority habitats and species, designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest, designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Site, green networks and greenspaces and woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value.

2.8.5 The Community Council and the letters of objection state that there could be a detrimental impact on wildlife. This matter is fully assessed below.

2.8.5 Impact on Trees

2.8.5.1 There are a number of trees within and adjacent to the site and it is proposed to retain these trees, whilst a hedge is proposed along the southern boundary of the site. The proposal would have no significant impact on the adjacent trees due to the distances involved between the trees and the development and as there would also be no significant ground works associated with the battery storage facilities. It is, however, considered necessary for a tree protection plan to be submitted to ensure that the adjacent trees are protected during the

construction period of the development. A condition is recommended regarding this matter. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.8.6 Protected Species and Wildlife Habitats

2.8.6.1 The site has no significant ecological value as it is a previously developed site which was historically occupied by storage uses associated with the adjacent Garden Nursery. An Ecological Appraisal Report (ER) has, however, been submitted in support of this application. The report advises that the survey considered not only habitats and species of plants present but also the potential presence of relevant European Protected Species including Bats, Badgers, Water Voles, and breeding birds, with particular reference to those species with enhanced statutory protection. The report advises that there was no evidence of protected species on site and the site is of negligible ecological value, however, habitats adjacent to the site could be suitable for badger sett creation. The report recommends that due to the mobility of the species, it is recommended that a pre-construction badger check is undertaken prior to commencement of works and if new setts are recorded within 30 metres of the site, it may be necessary to close them down under a NatureScot licence. A condition is recommended regarding this matter.

2.8.6.2 In terms of foraging bats, the report advises that the majority of the habitats are sub-optimal for roosting bats, however, suitable foraging and commuting habitats are present along Keithing Burn and in the hedgerows and trees between agricultural fields. The report recommends that such habitats are retained and that a sensitive lighting scheme is adopted which keeps key foraging habitats dark. Any lighting scheme should include lighting mitigation both during and post-construction and the report provides recommended lighting methods in this regard. The report also recommends that due to the presence of nesting birds, all works should be carried out with the bird breeding season unless otherwise agreed in writing with this Planning Authority. Conditions are recommended regarding these matters.

2.8.6.3 Fife Council's Natural Heritage officer has no objections to the proposal and advises that the mitigation and enhancement measures presented in the report are deemed both comprehensive and appropriate to the location and these should be controlled through conditions. The proposal, subject to conditions would, therefore, have no significant ecological impact on protected species, wildlife habitats or birds. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.8.7 Biodiversity Enhancement

2.8.7.1 The ER sets out a number of measures to enhance biodiversity on the site and these include the installation of a range of bird and bat boxes, including barn owl boxes, climbing species such as honeysuckle *Lonicera periclymenum* being grown on fencing which would encourage invertebrates and benefit foraging bats and bee banks being created by installing small bunds/mounds of loose sandy soil in south facing areas to create shelter for solitary bees. The ER also recommends that a landscape and ecology management plan should be secured via a condition to ensure that retained and created habitats are managed and maintained appropriately. Conditions are recommended regarding these matters.

2.8.7.2 The submitted information demonstrates that the proposal would include planting of native species and a number of measures to enhance biodiversity on site. The proposal would, therefore, bring about a significant biodiversity enhancement to the site and surrounding area

when compared to the existing vacant previously developed site. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.9 Contaminated Land/Land Stability

2.9.1 Policy 9 of NPF4 states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

2.9.2 Policies 1 and 10 of the LDP advise that development proposals must not have a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.9.3 The Community Council state that ground stability and contaminated land may be a concern. These matters are fully assessed below.

2.9.4 Fife Council's Land and Air Quality team advises that they have no objections to the proposal. The proposal is not located on an area which is potentially contaminated and would, therefore, have no significant impact on amenity in relation to contaminated land and would comply with the Development Plan in this respect.

2.9.5 The site is also located within a coal mining low risk area and the Coal Authority do not, therefore, require to be consulted. The proposal would, therefore, have no significant impact on amenity in relation to ground stability and would comply with the Development Plan in this respect.

2.10 Archaeological Impact

2.10.1 Policy 7 of NPF4 states that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.

2.10.2 Policies 1 and 14 of the LDP advise that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Development proposals which impact on archaeological sites will only be supported where remains are preserved in-situ and in an appropriate setting or there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigation is proposed. Policy 14 also states that the archaeological investigation of all buried sites and standing historic buildings within an Archaeological Area of Regional Importance will be required in advance of development unless good reason for an exemption can be shown.

2.10.3 Fife Council's Archaeological Officer advises that the site has no significant archaeological implications and, therefore, has no objections to the proposal. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.11 Air Quality

2.11.1 Policy 23 (Health and Safety) of NPF4 states that proposals that are likely to have significant adverse effects on air quality will not be supported. It further advises that an air

quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

2.11.2 Policies 1 and 10 advise that proposals must have no significant detrimental impact on amenity in relation to Air Quality with particular emphasis on the impact of development on designated Air Quality Management Areas (AQMA). It also advises that an air quality assessment may be required for developments that are within AQMAs or where the proposed development may cause or significantly contribute towards a breach in air quality management standards. Development proposals that lead to a breach of National Air Quality Standards or a significant increase in concentrations within an existing AQMA will not be supported. Supplementary guidance will provide additional information, detail and guidance on air quality assessments, including an explanation of how proposals could demonstrate that they would not lead to an adverse impact on air quality.

2.11.3 Fife Council's Air Quality in Fife Advice for Developers advises that an air quality impact assessment (AQIA) may be required where the construction and occupation of a proposed development has the potential to significantly increase road traffic emissions and if the proposal would introduce ten new parking spaces or more and is for a commercial development of 1 hectare or more. This guidance further advises that a simple assessment should be carried out to determine if a more detailed air quality impact assessment is required. The guidance sets out several relevant criteria such as daily vehicle movements increasing by more than 500, daily H.G.V movement increasing by more than 100, the introduction of a roundabout and any other sources of air pollution. The guidance states that if this criteria is breached then a more detailed air quality impact assessment would not be required.

2.11.4 The letters of objection state that the proposal could result in air pollution and this matter is assessed below.

2.11.5 An air quality impact assessment report would not be required, in this instance, as the proposal would not significantly increase road emissions and would not breach any of the relevant criteria where a more detailed assessment would be required. The battery storage facility which is for the storage of electricity would also not result in any air pollution as there would be no emissions associated with the proposal. The proposal would therefore have no significant detrimental impact on air quality and would comply with the Development Plan in this respect.

2.12 Decommissioning of the Proposal

2.12.1 Policy 11 (Energy) of NP4 states that project design and mitigation will demonstrate how proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration and the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans have been addressed.

2.12.2 The agent has advised that the proposal is for a permanent battery energy storage system on site, however, should the site no longer be required and becomes inactive for a period of 6 months then a decommissioning strategy including a scheme of decommissioning work and land restoration can be secured by condition. Any decommissioning stage is anticipated to take up to 6 months and decommissioning would take place between the hours of 8 am and 6 pm Monday to Friday and 8 am to 1 pm on a Saturday. The submission also advises that under the terms of the lease with the landowners, the applicant is responsible for the reinstatement of the site at the end of its lease to its original condition or to conditions required

for future intended land use. A condition is recommended regarding this matter. The proposal subject to a condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

CONSULTATIONS

Scottish Environment Protection Agency	No objections
Historic Environment Scotland	No objections
Community Council	Object
Archaeology Team, Planning Services	No objections
Natural Heritage, Planning Services	No objections
Land And Air Quality, Protective Services	No objections
Structural Services - Flooding, Shoreline and Harbours	No objections
Environmental Health (Public Protection)	No objections
TDM, Planning Services	No objections

REPRESENTATIONS

Three letters of objection and an objection from the Hillend and Dalgety Bay Community Council, who are a statutory consultee, have been received. These objections have been fully addressed within this report of handling and the material planning concerns raised include:

- Site is not connected to a renewable energy source (See section 2.2 – Principle of Development including Contribution to Renewable Energy Supply)
- No consultation has taken place (see section 1.4 – Application Procedure)
- Noise report not adequate to determine noise impact and on all frequencies the power station and its substation will be heard above all background noise. (See section 2.2.4 – Noise)
- Proposal is too close to nearby housing and could result in noise and air pollution. (See section 2.2.4 – Noise and section 2.11 - Air Quality).
- Impact on the local and wider landscape (See section 2.3 - Landscape and Visual Impact)
- Previous refusal of similar battery energy storage facility. (See section 1.3 - Planning History)
- Impact on wildlife (See section 2.8.6 - Protected Species and Wildlife Habitats)

The Hillend and Dalgety Bay Community Council have also objected to the proposal, and raises the following concerns:

- Proposal would negatively impact the countryside, landscape, and visual amenity (See section 2.3 - Landscape and Visual Impact)

- Energy resilience support potentially not required as battery energy storage facility approved under 18/01583/PPP and a gas peaking plant (19/02662/FULL) were approved in Inverkeithing. (See section 2.2 – Principle of Development including Contribution to Renewable Energy Supply)
- More suitable sites in local area should be considered. (See section 2.2 – Principle of Development including Contribution to Renewable Energy Supply)
- Flood risk report is inaccurate as it states that flood risk is low on strip, however, the site floods regularly. (See section 2.7 - Water/Drainage/Flood Risk)
- 600mm plinths may not be enough to raise above flood level. (See section 2.7 - Water/Drainage/Flood Risk)
- Ground stability and contaminated land may be a concern. (See section 2.9 - Contaminated Land/Land Stability)
- Noise report has errors and relies on six-year-old noise report. (See section 2.2.4 – Noise)
- Security lighting would result in light pollution (See section 2.4.6 - Light Pollution)
- Not clear from submission how large construction vehicles will turn and construction traffic could have a detrimental impact on road safety at the existing access. (See section 2.5 Transportation/Road Safety).

The letters of objection and the Community Council have also raised concerns with the safety of the site and these concerns include:

- Site is remotely monitored from England and plant has no emergency back-up system.
- Lithium batteries are explosive and reactive if they overheat or are exposed to water. Placing them in a flood risk area is not wise.
- Batteries have a risk of thermal runaway which can result in a fire, explosions, toxic run-off and a vapor cloud such as what happened in Liverpool in 2020. There have also been 50 fires worldwide since 2018. The toxic run-off can also contaminate adjacent watercourses and a vapour cloud could be blown towards Hillend.
- Residents and the environment are put at risk of serious harm
- Carcinogenic gasses can be released.
- Potential disaster waiting to happen.
 - How can energy equipment and construction material be lifted into place safely as there are high voltage lines on the site.
- The Fire Service should be consulted on this proposal.
- Not clear what insurance protection will be available at the site.

The Health and Safety Executive (HSE) are not a statutory consultee in relation to Battery Storage facilities, however, they were consulted and advised that they did not require to be consulted for this type of development and any health and safety concerns with regards to the proposal should be dealt with under the relevant health and safety legislation. The HSE state that the fundamental principle of health and safety legislation is that those who create risk are best placed to control them as far as reasonably practicable. Designers, installers and operators all have to ensure that this is the case. They further advise that the HSE regulates this type of

development expecting the duty holder to assess the situation and implement the necessary control measures under the relevant regulations such as the Dangerous Substances and Explosives Atmospheres Regulations 2002, The Electricity at Work Regulations 1989 and the Management of Health and Safety at Work Regulations 1999. The operator would also have to comply with the relevant fire safety legislation and there is a statutory requirement for large scale battery proposals to notify the Fire and Rescue Service to inform their emergency response planning. The above safety matters are not, therefore, considered to be a material planning consideration and would be dealt with under other relevant statutory controls.

It was also not considered necessary in this instance, therefore, to consult the Fire Service. The agent has however, submitted details of the measures taken in relation to fire safety and this includes each battery module being equipped with fire detection and fire prevention equipment that complies with national and international Fluid Power Association standards. An in-built battery management system will monitor battery temperature and will shut down the battery immediately if overheating is detected to avoid any risk of fire and, as a failsafe, an inert gas system will also be installed to immediately extinguish any fire as soon as a trigger signal is detected. They also advise that the battery storage requirements must also satisfy SPEN in order to connect to the grid. They do recommend that a flood alert system could be installed if required and this can be secured by way of a planning condition prior to the construction of site. The flood alert sensors are posts that are installed on site to monitor groundwater and surface water levels in real-time and provide early flood warning to the site operator to help develop future flood defence measures. A condition is recommended regarding this matter as set out in section 2.7 (Water/Drainage/Flood Risk) above.

The matter relating to the type of insurance protection that the development would have is also not a material planning consideration.

CONCLUSIONS

The proposal is considered acceptable in meeting the terms of the Development Plan and National Guidance. The proposal is considered to be compatible with its surrounds in terms of land use; would not cause any detrimental impacts on surrounding residential properties or road safety and is considered acceptable in terms of its visual impact on the surrounding rural area.

RECOMMENDATION

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

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

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

2. BEFORE ANY WORKS COMMENCE ON SITE; full details of the external finishing colour of the containers, equipment and fence shall be submitted to and approved in writing by Fife Council as Planning Authority. FOR THE AVOIDANCE OF DOUBT; the colour of the containers and fence shall be green.

Reason: In the interests of visual amenity.

3. BEFORE ANY WORKS COMMENCE ON SITE; a scheme of landscaping including a landscaping 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 earth mounding, shall be submitted to and approved in writing by this Planning Authority. These submitted details shall also include details of all proposed boundary treatments. The scheme as approved shall be implemented within the first planting season following the completion of the development.

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

4. 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.

5. BEFORE ANY WORKS COMMENCE ON SITE; full details of the required flood alert sensor posts shall be submitted to and approved in writing by Fife Council as Planning Authority. These details shall include a manufacturers specification and a site layout showing the location of the flood alert sensor posts. The development shall, thereafter, be carried out in full accordance with any subsequent approved details.

Reason: In the interests of safeguarding the site from flooding.

6. BEFORE ANY WORKS COMMENCE ON SITE; full details of the required tree protection measures as set out in a report by a fully qualified arborist, shall be submitted to and approved in writing by Fife Council as Planning Authority. Any approved protective measures shall be retained in a sound and upright condition throughout the demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery. This Planning Authority shall also be formally notified in writing of the completion of such measures and NO WORKS SHALL COMMENCE ON SITE until this Planning Authority has confirmed in writing that the measures as implemented are acceptable.

Reason: In the interests of safeguarding trees.

7. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; a pre-construction check for badgers shall be carried out by a qualified ecologist within the site and on land within 30 metres of the site. Any checks shall be undertaken fully in accordance with "Scottish Badgers Surveying for Badgers Good Practice Guidelines (2018)" or any subsequent revision. Full details of this check shall be submitted to and approved in writing by Fife Council as Planning Authority BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE.

Reason: In the interests of species protection.

8. BEFORE ANY WORKS COMMENCE ON SITE; full details of the required ecological enhancements as set out in section 4.4 of the approved Preliminary Ecological Appraisal Report (Plan Reference 21) shall be submitted to and approved in writing by Fife Council as Planning Authority. FOR THE AVOIDANCE OF DOUBT; these enhancements shall include the provision of bat and bird boxes, climbing plant species on the approved fencing and bee banks. The details shall include a manufacturer's specification and a site layout showing the location of the required enhancements. The development shall, thereafter, be carried out in full accordance with any approved details and these measures shall be retained throughout the lifetime of the development.

Reason: In the interests of biodiversity enhancement.

9. BEFORE ANY WORKS COMMENCE ON SITE; full details of adequate wheel cleaning facilities shall be submitted to and approved in writing by Fife Council as Planning Authority. Any subsequent approved details shall, thereafter, be provided and maintained in an operational manner throughout the construction works so that no mud, debris or other deleterious material is carried by vehicles on to the public roads.

Reason: In the interest of road safety; to eliminate the deposit of deleterious material on public roads.

10. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; there shall be provided within the curtilage of the site a turning area for vehicles suitable for use by the largest size of vehicles expected to visit or be used by occupants of the premises. The turning area shall be formed outwith the parking areas and shall be retained through the lifetime of the development.

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

11. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; full details of the 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.

12. The total noise from the approved plant and machinery, shall be such that any associated noise does not exceed NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation. For the avoidance of doubt, daytime shall be 0700-2300hrs and night time shall be 2300-0700hrs. WITHIN THREE MONTHS OF THE DEVELOPMENT BEING BROUGHT INTO

USE; written evidence demonstrating that the aforementioned noise rating levels have been achieved shall be submitted to and approved in writing by Fife Council as Planning Authority.

Reason: In the interests of safeguarding residential amenity.

13. No building, demolition or vegetation clearance shall be carried out during the bird breeding season which is March to August inclusive unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of species protection.

14. 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.

15. The development, hereby approved, shall be removed and the land restored to its former condition within 6 months of the use no longer being required.

Reason: The development is of a temporary nature.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance

National Planning Framework 4

PAN1/2011 - Planning and Noise

Scottish Government's Energy Storage: Planning Advice document (2013)

Historic Environment Scotland's Guidance on Managing Change in the Historic Environment: Gardens and Designed Landscapes (2016)

Development Plan

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

Fife Council's Low Carbon Fife Supplementary Guidance (2019)

Other Guidance

Fife Council's Policy for Development and Noise (2021)

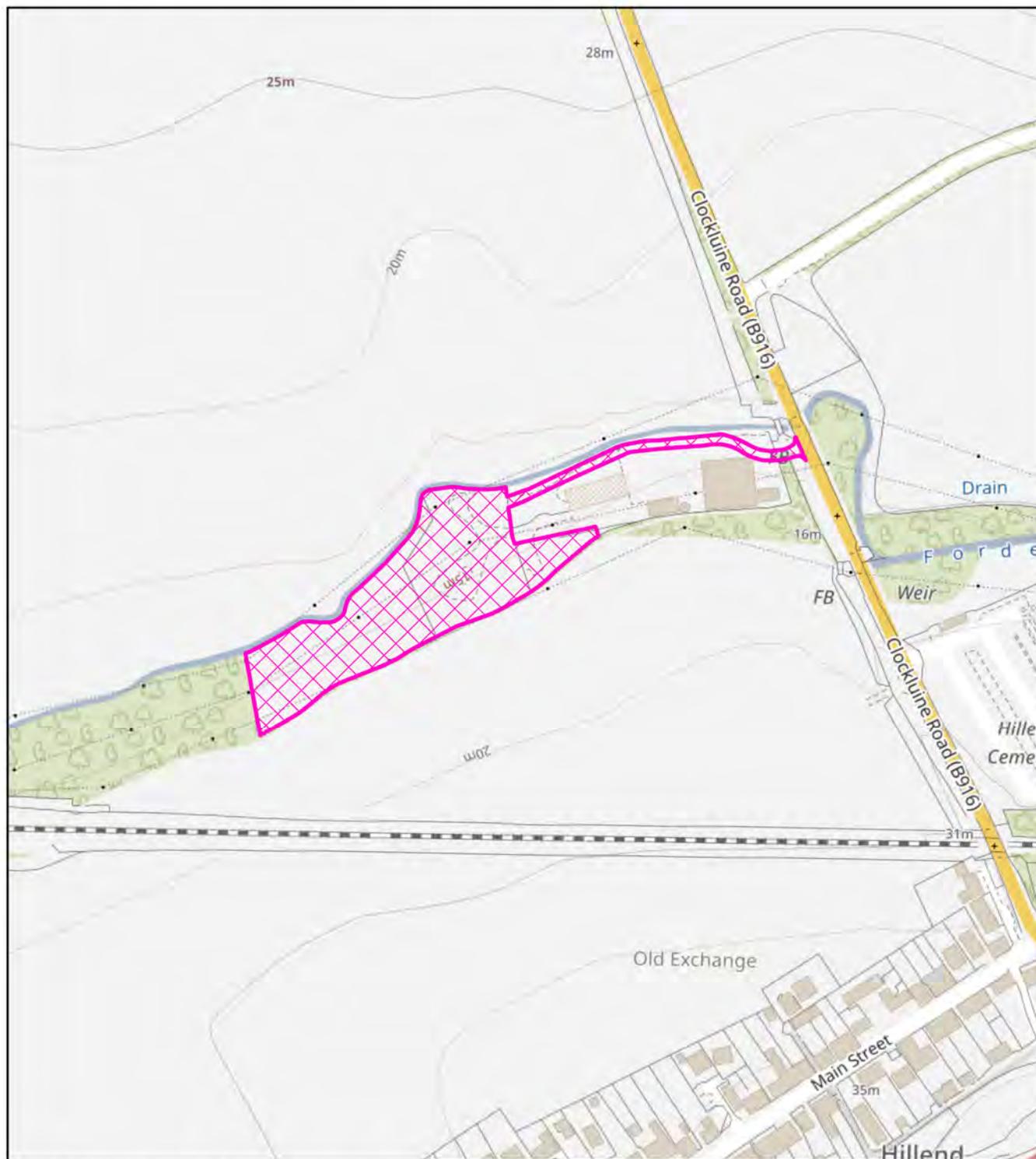
Report prepared by Scott Simpson, Planner and Case Officer

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

Date Printed 15/05/2023

22/03945/FULL

South Pargillis, Clockluine Road, Hillend



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Legend	
 Application Boundary	
	
 COUNCIL Planning Services	

ITEM NO: 9

APPLICATION FOR FULL PLANNING PERMISSION REF: 23/00081/FULL

SITE ADDRESS: SOUTH PARGILLIS CLOCKLUINE ROAD HILLEND

PROPOSAL: INSTALLATION OF CABLE ASSOCIATED WITH BATTERY ENERGY STORAGE SYSTEM

**APPLICANT: RENEWABLE CONNECTIONS DEVELOPMENTS LTD
141-145 CURTAIN ROAD LONDON UNITED KINGDOM**

**WARD NO: W5R06
Inverkeithing And Dalgety Bay**

CASE OFFICER: Scott Simpson

DATE REGISTERED: 20/01/2023

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

It is considered expedient to allow this application and the associated full planning application (22/03945/FULL) to both be determined by Committee.

SUMMARY RECOMMENDATION

The application is recommended for:

Unconditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.0 BACKGROUND

1.1 Site Description

1.1.1 The application site measures approximately 1.05 hectares and is located around 300 metres north of the village of Hillend, and around 820 metres to the north-west of the Dalgety Bay settlement boundary as designated within LDP. The site is located within an agricultural field and is surrounded by open fields to the north and west, the Growforth Plant Nursery and the B916 Clockluine Road to the east. A mill lade runs on the same east-west plane to the south of the site. The main East Coast Main Railway line lies around 100 metres to the south of the site between Hillend and the site. The application site would adjoin the western curtilage of the Growforth Plant Nursery and would connect into the Inverkeithing Grid Supply Point over a distance of approximately 800 metres.

1.1.2 Parts of the site are located within a fluvial flood risk area (1 in 10 year and 1 in 200 year) as per SEPA's flood risk maps. Fordell Castle Garden and Design Landscape is located to the east of the site and is located on the opposite side of Clockluine Road.

1.2 Proposal

1.2.1 This application seeks full planning permission for the installation of an underground cable associated with a battery energy storage system. The underground cable would run north across the Keithing Burn and then would follow along the southern edge of the neighbouring fields westwards before connecting into the Inverkeithing Grid Supply Point (GSP) approximately 800m to the west of the site. The installation of the cable route would comprise burying the cable within a trench measuring approximately 1m width by 1m depth and the cables would be laid below the bed level of any watercourse crossing. This would be done by laying cable ducts either through trenchless technology (directional drilling) or directly in trenches with suitable surface water management measures to protect against diffuse pollution of the water environment (over-pumping with silt mitigation measures for example).

1.3 Planning History

1.3.1 The relevant recent planning history for the application sites and surrounding area is as follows:

- Full planning permission (17/02960/FULL) for the installation of electricity generation plant (19.9MW) and associated infrastructure was withdrawn on 1st March 2018.
- Full planning permission (18/02725/FULL) for the installation of an electricity generation plant (19.9MW) and associated infrastructure was refused on 18th April 2019. This application was refused as the emission from the gas engines could have a detrimental impact on nearby sensitive receptors and it had not been demonstrated that this could be mitigated against. The proposal was also refused as insufficient landscape and visual impact assessment information had been provided which would allow the Planning Authority to fully assess the impact of the proposal. This application was then appealed (20/316) to Fife Council's Planning Review Body (FPRB). A hearing session was held on 20th January 2020 by the FPRB regarding this case and the application was then refused on 13th February 2020, by the FPRB, as the proposal could have significant adverse air quality impacts and due to its detrimental impact on the visual amenity of Hillend.
- A proposal of application notice (21/02713/PAN) for a 42MW battery storage energy system (BESS) with associated infrastructure was submitted on 25th August 2021 and was agreed on 14th September 2021.

- An EIA screening request (21/02714/SCR) for this proposal was also submitted on 27th August 2021 and a screening opinion was provided on 16th September 2021 advising that an environmental impact assessment would not be required.
- Full planning permission (03/02605/WFULL) for erection of polytunnels was approved with conditions on 29th September 2003. These polytunnels are located on the western side of the existing garden centre.
- Full planning permission (05/01005/WFULL) for siting of static residential caravan (In Retrospect) was approved with conditions on 31st August 2005. This caravan was only to be used by seasonal workers employed by the Growforth business and was to be removed from the site in August 2010.
- Full planning permission (10/03311/FULL) for redevelopment of existing sui generis wholesale nursery to incorporate: erection of poly-tunnels, relocation of existing poly-tunnels, upgrading of existing access road junction, erection of multi-functional community, social enterprise, learning and events building with integral market garden shop (class 1) and café (class 3), and associated parking and landscaping was approved with conditions on 4th March 2011. An application (20/02904/FULL) to amend this approval (10/03311/FULL) was then approved with conditions on 8th September 2020.
- Full planning permission (20/02904/FULL) for erection of retail unit (Class 1) and cafe (Class 3) associated with existing horticultural centre including formation of parking, siting of 2no. storage containers and polytunnels and associated landscaping (amendment to 10/03311/FULL) was approved with conditions on 8th September 2021.

1.4 Application Procedure

1.4.1 The proposal comprises development of an underground cable associated with an energy storage facility which has a capacity which exceeds 20 megawatts. This application is considered a Local Development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as it would have a site area of less than 2 hectares. The associated planning application (22/03945/FULL) for the battery energy storage system is also being considered by this Planning Committee and it was considered expedient to also submit this planning application to this Committee.

1.4.2 A physical site visit has not been undertaken for this application, however, the case officer has visited the site and surrounding area previously for application reference 17/02960/FULL (see section 1.3 above) in October 2017. All necessary information has been collated digitally and drone footage has also been carried out in January 2023 to allow the full consideration and assessment of the proposal. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

1.4.3 This application was advertised in The Courier newspaper on 26th January 2023. Neighbour notification letters were also sent out to all physical premises within 20 metres of the application site boundary on 23rd January 2023.

2.0 ASSESSMENT

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

- Principle of Development
- Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats

- Impact on adjacent Railway Line

2.2 Principle of Development

2.2.1 NPF4 sets out the overarching spatial strategy for Scotland to 2045. Policy 1 (Tackling the climate and nature crises) of NP4 states that when considering all development proposals significant weight will be given to the global climate and nature crises.

2.2.2 Policy 11 (Energy) of NPF4 states that proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, and these include enabling works, such as grid transmission and distribution infrastructure. The policy further states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy 11 also advises that significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

2.2.3 Policy 29 of NPF4 states that proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including essential infrastructure. This policy further advises that proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area, whilst they should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

2.2.4 The glossary of NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission electricity grid networks and primary sub stations. A battery installation should also be considered to generate electricity and is therefore to be treated as a generating station as per The Chief Planners Letter dated 27th August 2020.

2.2.5 Policy 1, Part A, of the LDP (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the LDP. Policy 7 (Development in the Countryside) of the LDP states that development in the countryside will only be supported where it is for other development which demonstrates a proven need for a countryside location. Policy 7 also advises that in all cases development must be of a scale and nature compatible with surrounding uses; be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

2.2.6 Fife Council's Low Carbon Supplementary Guidance (2019) advises that consideration of the scale of contribution to renewable energy generation targets and the effect of proposals on greenhouse emissions shall form part of the assessment process.

2.2.7 The application site is located outwith any designated settlement boundary and is, therefore located within the countryside as per the LDP. It has previously been accepted that this type of infrastructure can have a proven need for a countryside location as required by Policy 7 of the LDP and the principle of the associated battery energy storage system has been accepted, on this basis, within the report of handling for application reference 22/03945/FULL. Policy 29(a) (Rural Development) of NPF4 also provides support for essential infrastructure applications of this type within the countryside, whilst Policy 11 of NPF4 advises

that proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, and these include enabling works. The proposal would also be located and designed to protect the overall landscape quality of the area and would be of a scale and nature compatible with surrounding uses as it would be located underground and the ground would be re-instated after the installation. The proposal for the installation of an underground cable would, therefore, be acceptable in principle and would comply with the Development Plan in this respect.

2.3 Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats

2.3.1 Policy 3 (Biodiversity) of NPF4 states that proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them, whilst, proposals should also integrate nature-based solutions, where possible.

2.3.2 Policy 4 of NPF4 advises that proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence, whilst the level of protection required by legislation must be factored into the design of the development.

2.3.3 Policy 6 (Forestry, Woodland and Trees) of NPF4 advises that proposals that enhance, expand and improve woodland and tree cover will be supported, however, proposals will not be supported where they would result in the loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition. This policy further states that proposal will not be supported where they would result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.

2.3.4 Policies 1 and 13 of the LDP state that development proposals will only be supported where they protect or enhance natural heritage and access assets including protected and priority habitats and species, designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest, designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Site, green networks and greenspaces and woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value.

2.3.5 An Ecological Appraisal Report (ER) has been submitted and the survey area for the report included a 30-metre buffer zone either side of the proposed cable route. The ER has identified four Alder Trees being located on the north bank of the Inverkeithing Burn, along the proposed cable route. The report advises however, that the size and location of these trees are unlikely to impede the proposed cable route development. The ER also does not identify any area of high ecological value which would be impacted upon as a result of the cable route. There would, therefore, be no significant natural heritage impact on the site or surrounding area as a result of the proposal. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.4 Impact on adjacent railway line

2.4.1 Policy 13 of NPF4 states that proposals will be supported where they adequately mitigate any impact on local public access routes. The policy further states that proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Policy 3 of the LDP states that proposals must address impacts on the local road network and the railway network including capacity.

2.4.2 Network Rail have advised that they have no objections to the proposal. They have further advised that construction works must be undertaken in a safe manner which does not threaten the safety of the neighbouring railway. Applicants must also be aware of any embankments and supporting structures which are in close proximity to their development. They have requested that details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

2.4.3 The proposed installation of the cable would, therefore, have no significant impact on the adjacent railway due to the distances involved and as no significant building works would be proposed within the vicinity of the railway line. The applicant will also have to apply separately to Network Rail to operate mechanical plant in the proximity of the rail line and an advisory would be included regarding this matter on any potential decision notice. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

CONSULTATIONS

Network Rail

No objections

REPRESENTATIONS

No representations have been received in relation to this application.

CONCLUSIONS

The proposal is considered acceptable in meeting the terms of the Development Plan and National Guidance. The proposal is considered to be compatible with its surrounds in terms of land use and would not cause any detrimental impacts to natural heritage within the site or the surrounding area.

RECOMMENDATION

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

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

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

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance
National Planning Framework 4

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

Report prepared by Scott Simpson, Planner and Case Officer
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

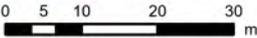
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South Pargillis, Clockluine Road, Hillend



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