

## West and Central Planning Committee

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



Wednesday 6 December 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 8 November 2023. 4 - 5
4. **22/02475/FULL - THE FOUNDRY CHARLESTOWN DUNFERMLINE** 6 - 18

Mixed-use (sui generis) development (part retrospective) comprising: siting of yurt for delivery of yoga classes; erection of outbuilding/part-use of grounds for delivery of therapy services; and erection of shed for purposes incidental to delivery of the therapy services.
5. **23/01717/FULL - LAND TO THE NORTH OF INCHGARVIE AVENUE  
ABERDOUR ROAD BURNTISLAND** 19 - 33

Erection of dwellinghouse (Class 9) and garage with associated access and parking.
6. **23/01791/FULL - 8 FORDELL BANK DALGETY BAY DUNFERMLINE** 34 - 42

Change of use from public open space to form vehicular access and extended garden ground including the erection of boundary fence and gate (retrospective).
7. **23/01304/FULL - BANCHORY HOUSE KIRKCALDY** 43 - 50

Alterations to dwellinghouse including first floor extension, single storey extension, and erection of domestic garage.
8. **23/01305/LBC - BANCHORY HOUSE KIRKCALDY** 51 - 58

Listed building consent for alterations to dwellinghouse including first floor extension, single storey extensions and installation of bifold doors, and erection of domestic garage.

9. **23/01447/FULL - 73 - 75 HIGH STREET INVERKEITHING** 59 - 70  
Change of use of part of shop (Class 1A) to flatted dwelling (Sui Generis) including installation of replacement windows and door and erection of single storey extension
10. **23/02089/FULL - BABCOCK MARINE MACMILLAN BUILDING CASTLE ROAD ROSYTH** 71 - 94  
Installation of 2no. Solar Photovoltaic Arrays (5.64MW combined) (Area A Frame Mounted 5.43MW, Area B Ground Mounted 0.21MW), with associated plant and infrastructure.
11. **APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**  
<https://www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/planning-applications/weekly-update-of-applications2>

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

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

Fife House  
North Street  
Glenrothes  
Fife, KY7 5LT

29 November, 2023

If telephoning, please ask for:  
Emma Whyte, Committee Officer, Fife House 06 ( Main Building )  
Telephone: 03451 555555, ext. 442303; email: Emma.Whyte@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on  
[www.fife.gov.uk/committees](http://www.fife.gov.uk/committees)

## **BLENDED MEETING NOTICE**

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

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

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

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

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

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

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

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

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

**8 November 2023**

**2.00 pm – 2.45 pm**

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

**ATTENDING:** Mary Stewart, Service Manager - Major Business & Customer Service, Natasha Cockburn, Lead Professional (Infrastructure), Emma Baxter, Graduate Planner, Planning Services; Steven Paterson, Solicitor, Gemma Hardie, Solicitor and Emma Whyte, Committee Officer, Legal and Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors James Calder, Sam Steele and Andrew Verrecchia.

**124. DECLARATIONS OF INTEREST**

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

**125. MINUTE**

The committee considered the minute of the West and Central Planning Committee of 11 October 2023.

**Decision**

The committee agreed to approve the minute.

**126. 22/02607/ARC - PRIMROSE LANE, ROSYTH**

The committee considered a report by the Head of Planning Services relating to an application for matters specified in conditions for 143 residential units and associated infrastructure, drainage and landscaping as required by condition 1(a), (b), (d), (e), (f) and condition 2 and 3 of 18/02763/PPP.

**Decision**

The committee agreed to approve the application subject to:-

- (1) the 16 conditions and for the reasons detailed in the report; and
- (2) an amendment to condition 1 to read:-
  1. The raised puffin crossing to replace the existing zebra crossing on Primrose Lane, as shown in document 52, shall be amended to show the existing raised table; 75mm height and 1 in 25 ramps; the kerbs not painted white; a minimum footway width of 2m between the signal pole and heel kerb on the south side of Primrose Lane;

## 2023 WCPC 50

and the zig zags on the east side extended to 8 marks. The raised puffin crossing as approved through these details shall be implemented and open for public use, PRIOR TO THE OCCUPATION OF THE 25TH UNIT WITHIN THE SITE.

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

- (3) an amendment to condition 9 to secure the future maintenance of the sound attenuation measures

### 127. 23/02507/FULL - MAIN STREET, VALLEYFIELD

The committee considered a report by the Head of Planning Services relating to an application for erection of two storey extensions to rear and side of dwellinghouse.

#### **Decision**

The committee agreed to refuse the application:-

- (1) for the reason detailed in the report; and
- (2) that appropriate enforcement action be taken with respect to the unauthorised works, as provided for by the powers delegated to officers.

### 128. 23/02269/LBC - MAIN STREET, VALLEYFIELD

The committee considered a report by the Head of Planning Services relating to an application for listed building consent for two storey extensions to rear and side of dwellinghouse, installation of replacement roof and windows and formation of new openings (part retrospective).

#### **Decision**

The committee agreed to refuse the application:-

- (1) for the reason detailed in the report formally amended to make reference therein to the application being contrary to section 14(2) of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997; and
- (2) that appropriate enforcement action be taken with respect to the unauthorised works, as provided for by the powers delegated to officers.

### 129. 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 2 October to 29 October 2023.

**ITEM NO: 4**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/02475/FULL**

**SITE ADDRESS: THE FOUNDRY CHARLESTOWN DUNFERMLINE**

**PROPOSAL : MIXED-USE (SUI GENERIS) DEVELOPMENT (PART RETROSPECTIVE) COMPRISING: SITING OF YURT FOR DELIVERY OF YOGA CLASSES; ERECTION OF OUTBUILDING/PART-USE OF GROUNDS FOR DELIVERY OF THERAPY SERVICES; AND ERECTION OF SHED FOR PURPOSES INCIDENTAL TO DELIVERY OF THE THERAPY SERVICES**

**APPLICANT: MS LISA MULUBE  
THE FOUNDRY CHARLESTOWN DUNFERMLINE**

**WARD NO: W5R05  
Rosyth**

**CASE OFFICER: Brian Forsyth**

**DATE REGISTERED: 10/02/2023**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

At its meeting on 13 September 2023, Committee agreed to continue the application to allow for discussion with the applicant to secure permanent visibility splays and for detailed conditions to be considered.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal and Enforcement Action

## 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 process and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan Fife Local Development Plan (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.

Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that 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 adds that provisions that are contradictory or in conflict would likely be considered incompatible.

### 1.0 BACKGROUND

#### 1.1 Committee Update

1.1.1 At its meeting on 13 September 2023, Committee considered a report on this application, the content of which is reproduced below in 1.2 onwards. Committee agreed to continue the application to allow for discussion with the applicant to secure permanent visibility splays and for detailed conditions to be considered. With a view to addressing these requirements and informing the wording of conditions of any planning permission, the following further information was requested of and obtained from the applicant:

"1. Confirmation as to whether your client is agreeable to a condition requiring the splays specified by Transportation Development Management to be cleared of all obstruction within (say) one month of the date of any consent;

[Applicant response] The applicant is agreeable to this condition.

2. Confirmation as to whether your client and the relevant landowner are agreeable to entering into a legal agreement under section 75 of the TCPSA to maintain the above splays throughout the lifetime of the development, including evidence from the landowner or their agent;

[Applicant response] The applicant is not in a position to enter into a legal agreement with the landowner, who has already confirmed in writing that the splays will be maintained. The legal commitment of a Section 75 agreement is thought to be an excessive requirement for the applicant and owner of a micro-business as was mentioned at the committee meeting. Scottish Water, who also use the access lane on a regular basis to reach their treatment plant, and have

advised that in principle, they will also contribute to the maintenance of the splays. The applicant seeks confirmation from Scottish Water in writing at present, and will provide to you as soon as is available.

3. Confirmation as to whether your client is agreeable to a condition requiring yoga practice on the site to be limited to within the yurt and to the proposed maximum eight participants at any one time, no more than five classes a week;

[Applicant response] The applicant is not agreeable to this condition and has provided their justification in the attached draft Operational Management Plan - refer table 2.1

4. Clarification as to the operating hours for the yoga use. The submitted supporting statement refers to hours but it is not clear whether these relate to the yoga use;

[Applicant response] Please refer to Operational Management Plan - Table 2.1 & 2.2 & Appendix.

5. Clarification as to the extent of operation proposed for the therapy uses, including in terms of the maximum number of people attending at one time, the frequency of all classes and sessions and the hours of operation. The submitted supporting statement refers to hours but it is not clear whether this relates to the therapy uses. Details of the number and working hours of any proposed employees or other workers should also be provided;

[Applicant response] Please refer Table 2.2 in the Operating Plan

6. Confirmation as to whether your client is agreeable, if considered necessary, to a condition requiring an operational management plan to be agreed before the therapy use commences;

[Applicant response] The applicant has submitted the attached Operational Management Plan and is agreeable to this condition.

7. Confirmation as to whether your client would be agreeable to a condition requiring the yoga and therapy uses not operating after 8pm Monday to Saturday and not at all on Sundays;

[Applicant response] The applicant can not agree to this condition as some classes are required to run until 8.30pm - please refer justification within OMP

8. Confirmation that your client understands the application is for the yoga and therapy uses only; and

[Applicant response] The applicant occasionally holds small scale fundraising events - the full details of which are within the OMP. Some outdoor areas are used for women's circle, sound healing and foraging workshops. Please clarify if any other use of the site is of concern.

9. Confirmation as to whether your client would be agreeable to a condition restricting the uses authorised to those applied for, i.e. the yoga and therapy uses only. Nothing in such a condition would preclude application for planning permission being made for other uses.

[Applicant response] The applicant occasionally holds small scale fundraising events - the full details of which are within the OMP. Please clarify if any other use of the site is of concern."



1.1.2 The submitted finalised operational management plan (OMP) does not relate only to the yoga and therapeutic uses that are the subject of the planning application, now including reference to "foraging and herbal medicine and a support group for local women" and a desire "to bring more therapeutic offerings to the space".

1.1.3 The yurt is described in the OMP as the focal point for all general group classes. A typical timetable of "current classes and future opportunity for classes" for a month lists sound healing, qi gong, yoga, women's circle, retreat/workshop and beach/nature group classes, these running throughout the week and from morning to evening: 40 classes in total, including 29 yoga classes, whereas the supporting statement previously submitted with the application referred only to yoga classes, 4-5 in total. Retreat/workshop classes are listed as having a maximum of 8-14 participants, other classes a maximum of 8-10 participants. The average number of visitor cars for retreat/workshop classes is listed as a maximum of 10, an average of 7.5 in the case of other classes. On most days of the month, the total number of visiting cars is listed between 7.5 and 22.5. It is explained that in general the site is operational for 42 weeks of the year, Mondays are mostly non-operational, there is a maximum of 3 general classes per day, retreats and workshops "may involve time in the yurt and time in the natural environment"; and that on one Sunday a month a local nature group uses the car area for beach cleans and river studies, there typically being 4 -5 cars. General opening times are listed as Monday-Friday 10am-9pm, Saturday 10am-6pm, Sunday 10am-5pm. It is explained that finishing times are site cleared times.

1.1.4 In relation to the proposed use for delivery of therapy services, the OMP explains this would be 1-2-1 therapy, but that there would be an opportunity for 3-4 self-employed professionals to hire the space, and there may be a future need to employ a part-time administrator. In relation to use of the outdoor spaces, the OMP explains that it is not foreseen these would result in an increase in participants.

1.1.5 The OMP explains that some cutback of vegetation has now taken place within the area of the visibility splays specified by Transportation Development Management (TDM), although this does not appear to achieve the cleared splays specified by TDM. Moreover, it is now explained that the agent for the owner of the land to which the specified splays relate advises their client will not want to enter into a Section 75 legal agreement, the agent considering rather "that the visibility from the road is perfectly clear without any works being required to the tree or hedges."

1.1.6 It is not considered that there is anything in the applicant's above confirmations or OMP to justify changing the below recommendation, the third party landowner's apparent position in respect of visibility serving only to heighten concerns in relation to road safety.

1.1.7 Should Committee resolve that planning permission is to be granted, it is recommended this is subject to the applicant and the third party landowner first having entered into a Section 75 legal agreement to ensure the specified visibility splays are kept clear throughout the lifetime of the development; and subject to conditions of planning to be agreed between the case officer, Committee lead officer and Chair of the Committee, in respect of the following:

- To require the splays specified by Transportation Development Management to be cleared of all obstructions within one month of the date of the permission;
- To clarify that development is limited to that referred to in the description and not as otherwise set out in the OMP;
- To limit the delivery of therapy services and times to that set out in the OMP;

- To limit the delivery of yoga classes to Mondays to Saturdays between 8am and 8pm and not at all on Sundays; and
- To limit delivery of yoga classes to the numbers of participants and classes set out in the supporting statement originally submitted with the application.

## 1.2 Site Description

1.2.1 This application site extends to approximately 980 square metres and relates to an existing dwellinghouse and its grounds, the house having been completed in 2019. The site is located approximately 800 metres north-west of Charlestown, off a private road/claimed right of way off the west side of the C7 West Road between the village and the A985. The private road is shared with two other dwellinghouses and a Scottish Water wastewater treatment works, all to the north of the site. The site is otherwise bounded to the west by an access track, with the Lyne Burn over; to the north-west by a wooded area, with the remains of an iron mill foundry on the Lyne Burn; and to the south-east by a disused railway line. Trees along the western and eastern boundaries are on the SNH Scottish Semi-Natural Woodland Inventory. Landform and tree cover are such that the site is generally enclosed. The site is not visible from the public road network. The areas shown for development fall within Health and Safety Executive hazardous pipeline consultation zones.

## 1.3 Proposal

1.3.1 Full planning permission is sought for a mixed-use (sui generis) development of the site, comprising siting of a yurt for delivery of yoga classes (retrospective), erection of an outbuilding/part-use of the grounds for delivery of therapy services, and erection of a shed for purposes incidental to delivery of those therapy services. The agent explains that the applicant commissioned the yurt in 2021, providing yoga classes from it from August that year. It is stated that yoga classes are kept to a maximum of eight participants, with four to five classes held per week. Mixed therapy sessions are planned from the outbuilding, including talking, art and sound therapies, with sessions for a mixture of individuals and small groups. The part-use of the grounds for delivery of therapy services is by way of a mindfulness labyrinth and edible garden. No other information has been provided in relation to the scale of the therapy services use or whether there would be employees. An identical outbuilding is approved as a domestic store only under ref. 23/00560/FULL (see 1.3 below).

## 1.4 Planning History

1.4.1 The following site history in the Council's electronic register is relevant here:

- 11/04765/PPP Planning permission in principle for erection of dwellinghouse and garage. Withdrawn 24 November 2021.
- 12/03388/PPP Planning permission in principle for erection of dwellinghouse and garage. Approved by Fife Planning Review Body (FPRB) on 10 October 2012, FPRB considering that replacement of a then ruinous building within the site would result in an overriding benefit in terms of visual and environmental improvement, consistent with then local plan policy.
- 16/00668/FULL Erection of dwellinghouse with associated parking, landscaping and erection of detached store. Approved 8 June 2016. Condition 12 states: "PRIOR TO THE OCCUPATION OF THE DWELLINGHOUSE, the store building shall be completed in accordance with the approved plans. Reason: In the interests of visual amenity; in order to secure the replacement

of the existing ruinous building on site." Completion of the store necessitated removal of the abovementioned ruinous cottage, which ruin has been removed; however, the development was completed and the dwellinghouse occupied without erection of the store having commenced. Condition 14 states: "The store building as hereby approved shall only be ancillary to the use of the dwellinghouse. No part of the dwellinghouse, its curtilage or outbuildings shall be used for any form of commercial activity. Reason: To enable the Planning Authority to retain proper control of the use of the land and buildings; to avoid the intensification of use of the residential access track and junction with the C7."

- 16/00668/NMV1 Erection of dwellinghouse with associated parking, landscaping and erection of detached store (Non-material variation for roof material on house and store, relocation of MVHR and ASHP, arched window to be omitted and reduce footprint of house and store on application 16/00668/FULL). Agreed 2 December 2016.

- 22/00155/ENF Allegation of breach of planning control received 6 May 2022: Siting of yurt for purposes of delivery of yoga classes. Case closed 25 July 2022 following receipt of below applications.

- 16/00668/CND001/CND002/CND003/CND004/CND005/CND007/CND0010/CND0011. Breaches of these conditions excused 5 October 2022 to 5 April 2023.

- 23/00560/FULL Section 42 application for erection of dwellinghouse, etc. (Class 9) the subject of planning permission 16/00668/FULL (as varied) (part-retrospective) without compliance with the terms of that permission's Conditions 12 and 14. Approved 27 June 2023. As the ruinous building within the site had been removed, the objective of Condition 12 had been achieved without having to meet its terms; as such, it was no longer considered that the terms of Condition 12 were reasonable. In relation to Condition 14, it was not considered the condition was necessary as commercial activity amounting to a material change of use still required planning permission in the absence of such a condition; as such, it was no longer considered that the terms of Condition 14 were reasonable.

## 1.5 Site Visit

1.5.1 A site visit was undertaken by the case officer on 26 May 2023.

## 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
- Residential Amenity/Garden Ground
- Road Safety/Transportation
- Health and Safety

## 2.2 Principle of Development

2.2.1 NPF4 states that a plan-led approach is central to supporting the delivery of Scotland's national outcomes and broader sustainable development goals, reinforcing the provisions of Section 25 of the Act.

2.2.2 NPF4 Policy 1 Tackling the Climate and Nature Crises states that significant weight will be given to the global climate crisis. NPF4 Policy 14 Design, Quality and Place states that proposals will be designed to improve the quality of an area and will be supported where they are consistent with the qualities of successful places, including reducing car dependency.

2.2.3 FIFEplan Policy 1: Development Principles supports the principle of development in countryside areas, such as here, where the proposed use is otherwise supported by FIFEplan. FIFEplan Policy 7: Development in the Countryside states that development in the countryside will only be supported where it:

1. is required for agricultural, horticultural, woodland, or forestry operations;
2. will diversify or add to the above land-based businesses to bring economic support to the existing business;
3. is for the extension of established businesses;
4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements;
5. is for facilities for access to the countryside;
6. is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or
7. is for housing in line with Policy 8 (Houses in the Countryside).

2.2.4 The application has attracted eight representations in support of the proposals, the representees noting in particular the benefit to their personal well-being from having attended yoga classes on site.

2.2.5 Criterion 6 of FIFEplan Policy 7: Development in the Countryside is relevant in this case, supporting development in the countryside for facilities which demonstrate a proven need for a countryside location. Whilst it is accepted that such a quiet, semi-natural countryside location is conducive to yoga practice, such a use does not need a countryside location, with no attempt having been made by the applicant to demonstrate that it does; indeed, the agent states that from 2017 until introduction of the current arrangements, the applicant operated her yoga classes from various local public venues. In relation to the proposed therapy services, aside from the proposed land-based therapies (mindfulness labyrinth and edible garden), these do not require a countryside location either, again with no attempt having been made to demonstrate that they do. Moreover, and notwithstanding the availability of a bus service along the West Road, the somewhat isolated nature of the site is such that the proposed uses are likely to remain particularly car dependent, inconsistent with NPF4 Policies 1 Tackling the Climate and Nature Crises and 14 Design, Quality and Place relating to sustainable places.

2.2.6 Notwithstanding the views expressed in the above representations, the proposals are considered contrary to the provisions of policy in relation to the principle of development.

## 2.3 Design/Visual Impact

2.3.1 NPF4 Policy 14 Design, Quality and Place states that proposals that are detrimental to the amenity of the surrounding area, or inconsistent with the relevant qualities of successful places, including 'pleasant', will not be supported. FIFEplan Policies 1: Development Principles, 7: Development in the Countryside, 10: Amenity and 13: Natural Environment and Access collectively state that proposals must address their individual and cumulative impacts, being located and designed to protect the overall landscape and environmental quality of the area, with

development only supported where it does not have a significant adverse visual impact on the surrounding area and landscape character and views are protected.

2.3.2 As the site is generally enclosed and is not visible from the public road network, it is considered that the proposals are acceptable in landscape, environmental quality and general visual amenity terms, according with the above provisions of policy in relation to design/visual impact.

## 2.4 Residential Amenity/Garden Ground

2.4.1 NPF4 Policy 14 Design, Quality and Place states that proposals that are detrimental to the amenity of the surrounding area, or inconsistent with the relevant qualities of successful places, including 'pleasant', will not be supported. Annex D of NPF4 extends this concern with pleasantness to cover noise. NPF4 Policy 23 Health and Safety states that development proposals that are likely to raise unacceptable noise issues will not be supported. FIFEplan Policies 1: Development Principles and 10: Amenity collectively state that development proposals must address their individual and cumulative impacts, development only being supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses, it requiring to be demonstrated that proposals will not lead to a significant detrimental impact on amenity in relation to, amongst other things, noise. Fife Council Policy for Development and Noise 2021 and Planning Services Garden Ground customer guidelines (2016) are also relevant here.

2.4.2 The one objector, the householder to the north of the site, raises objection in relation to residential amenity, stating that the carrying out of business activity does and would affect the quiet residential character of the area and enjoyment of their garden.

2.4.3 In relation to noise arising directly from the uses, it is considered that the location and nature of the uses, and the level of physical separation between these uses and third-party residential property, is such that impacts arising cannot be considered significant. In relation to associated vehicle noise, it is also considered that the layout of the site and environs is such that impacts arising cannot be considered significant either. In relation to garden ground, the subjects benefit from extensive residential grounds; after completion of the development proposed there would remain garden ground considerably in excess of the minimum provision expected in terms of the above customer guidelines. As such, and notwithstanding the objector's concerns, it is considered that the proposals are acceptable in terms of noise and garden ground, according with the above provisions of policy and guidance in relation to residential amenity.

## 2.5 Road Safety/Transportation

2.5.1 FIFEplan Policy 1: Development Principles of FIFEplan states that the individual and cumulative impacts of development proposals are to be addressed by complying with relevant criteria and supporting policies, where relevant, including mitigating against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure and complying with Policy 3: Infrastructure and Services. FIFEplan Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner; 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, including local transport and safe access routes. Appendix G Transportation Development

Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.5.2 The one objector raises concerns in relation to road safety, particularly as a consequence of the increase in vehicle movements from the development, adding that they have met, on many occasions, traffic travelling at speed along the C7 West Road. It is stated that the opening times proposed suggest a total of 67 hours of commercial activity per week, every one hour class with eight people equating to 536 cars per week. It is contended that the private road is unsuitable for the use, being regularly used by dog walkers, cyclists, hikers, and families heading to the beach.

2.5.3 Planning Services' Transportation Development Management team (TDM) explains that it has a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. For clarification purposes, the built-up area from a transportation point of view is defined by TDM as the area within a 20, 30 or 40mph speed limit. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. TDM can relax this policy if a proposed rural development is deemed as having planning merit by the case officer. This relaxation is only possible when either the junction of the access to the site and the public road has acceptable visibility splays or if the proposals include acceptable improvements being undertaken to existing sub-standard visibility splays.

2.5.4 TDM advises that according to Making Fife's Places Supplementary Guidance (2013) Appendix G Transportation Development Guidelines, 3m x 210m visibility splays must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, at the junction of the private road to the site and the C7 West Road. At the suggestion of TDM, the applicant was invited to commission and submit a speed survey on the C7 West Road in the vicinity of the existing junction. The speed survey was recently undertaken, with the recorded 85th percentile of traffic speeds being 40.6mph northbound and 37.9mph southbound. The submitted speed survey results permit the visibility splays to be reduced to 3m x 140m at the junction of the private road and the C7 West Road.

2.5.5 The applicant submitted a letter with accompanying photos detailing their assessment of the junction visibility splays. However, it should be noted that visibility splays must be available to all points to the nearside and far side channel lines of the public road to satisfy TDM. In addition, it appears that the photographs were taken from a standing position which does not reflect the height of a driver in a car. TDM advises that the actual visibility splays that are available to the nearside road channel line (west side of the road) at the junction of the private road to the site and the C7 West Road are approximately 3m x 67m in the oncoming direction (south direction), as visibility is obscured by large bushes that are within the adjacent field, and an approximate 3m x 65m visibility splay available in the other direction (north) due to a large mature tree obscuring visibility to the nearside road channel line (western side of the public road) beyond this point. TDM advises that the proposed yurt for the yoga business would increase the number of vehicle turning manoeuvres at a junction which has substandard visibility splays in both directions, to the detriment of road safety.

2.5.6 It is unlikely that the objector's estimate of vehicle movements associated with the yoga classes would be realised, but also taking into account likely vehicle movements associated with the proposed therapy uses, the balance of probability is that vehicle movements associated with the proposals as a whole would be significantly in excess of those associated with use as a

house only. As such, it is considered that considerable weight must be attached to road safety concerns. Taking into particular account TDM's views in relation to visibility and intensification of use of the private road, and recognising the likelihood of significant increased conflict between vehicles and others on the claimed right of way/private road, it is not considered that the proposals accord with the above provisions of policy and guidance in relation to road safety/transportation.

## 2.6 Health and Safety

2.6.1 NPF4 Policy 23 Health and Safety states that development proposals within the vicinity of a major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another; and that any advice from the Health and Safety Executive that planning permission or hazardous substances consent should be refused should not be overridden by the decision maker without the most careful consideration.

2.6.2 The Health and Safety Executive is a statutory consultee in this case as hazardous pipeline consultation zones cross the site. The Executive does not advise against the grant of planning permission on safety grounds.

2.6.3 Taking the views of the Executive into account, it is considered that the proposals accord with the above provisions of policy in relation to health and safety.

## CONSULTATIONS

|                             |                       |
|-----------------------------|-----------------------|
| Network Rail                | No objection.         |
| TDM, Planning Services      | Objection.            |
| National Grid Email         | No response received. |
| INEOS FPS Limited           | No response received. |
| Health And Safety Executive | No objection.         |

## REPRESENTATIONS

Two representations have been received from the householder immediately to the north of the site, raising objection in relation to the following:

- Road safety, particularly as a consequence of the increase in vehicle movements from the development, adding that they have met, on many occasions, traffic travelling at speed along the C7 West Road. It is stated that the opening times proposed suggest a total of 67 hours of commercial activity per week, every one hour class with eight people equating to 536 cars per week. It is contended that the private road is unsuitable for the use, being regularly used by dog walkers, cyclists, hikers, and families heading to the beach.

Officer response: Road safety is dealt with in 2.5 above.

- Residential amenity, the carrying out of business activity affecting the quiet residential character of the area and enjoyment of one's garden.

Officer response: Residential amenity is dealt with in 2.4 above.

- The proposal is in breach of Condition 14 of planning permission 16/00668/FULL, which restricts commercial use of the site.

Officer response: The dwellinghouse, etc. originally the subject of planning permission 16/00668/FULL is now the subject of planning permission 23/00560/FULL, which contains no such restriction.

- Unauthorised use, stating that they do not understand how this business has been allowed to operate or not been halted without the necessary planning permission.

Officer response: This is not a material planning consideration in this instance.

- The applicant is advertising the yurt for hire and there has already been a wellness festival carried out on the site.

Officer response: This is not material planning consideration relevant to consideration of this application, no such uses being proposed as part of this application. Any further alleged unauthorised use of the site should be reported to Planning Services through the usual channels.

Report prepared by Brian Forsyth, Planner and Case Officer

Report reviewed and agreed by Derek Simpson, Lead Officer and Committee Lead

## **CONCLUSIONS**

The development accords with or is acceptable in terms of the provisions of policy and guidance relating to design/visual impact and residential amenity/garden ground. The development does not accord with the provisions of policy and guidance relating to: the principle of development, the applicant having failed to demonstrate a proven need for a countryside location for the yoga class and non-land-based therapy uses, the proposals also likely to be particularly car dependent; and road safety/transportation, there being substandard visibility and access to the public road, and with vehicular traffic likely to come into increased conflict with other users of the claimed right of way/private road. Overall, the development is contrary to the development plan, with no material circumstances of sufficient weight to justify departing therefrom.

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. In the interests of sustainable places, by avoiding ad hoc commercial development of a site in the countryside, which development has not been justified in terms of adopted FIFEplan Fife Local Development Plan (2017) Policies 1: Development Principles and 7: Development in the Countryside, the applicant having failed to demonstrate a proven need for a countryside location,



contrary in turn to National Planning Framework 4 (2023) Policies 1 Tackling the Climate and Nature Crises and 14 Design, Quality and Place.

2. In the interests of sustainable places, by avoiding development of an isolated site in the countryside for car dependent commercial uses, consistent with National Planning Framework 4 (2023) Policies 1 Tackling the Climate and Nature Crises and 14 Design, Quality and Place.

3. In the interests of road safety; the development to be served by substandard access arrangements and visibility onto the C7 West Road, also bringing vehicles into increased conflict with others on the claimed right of way/private road leading to the site; contrary to adopted FIFEplan Fife Local Development Plan (2017) Policies 1: Development Principles and 3: Infrastructure and Services and the adopted Making Fife's Places Supplementary Guidance (2018).

and

That the appropriate enforcement action be taken with respect to the unauthorised activity

## **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.

### 4. Development Plan

Adopted National Planning Framework 4 (2013)

Adopted FIFEplan Fife Local Development Plan (2017)

Adopted Making Fife's Places Supplementary Guidance (2018)

### Other

Fife Council Policy for Development and Noise 2021

Fife Council Planning Services Garden Ground customer guidelines (2016)

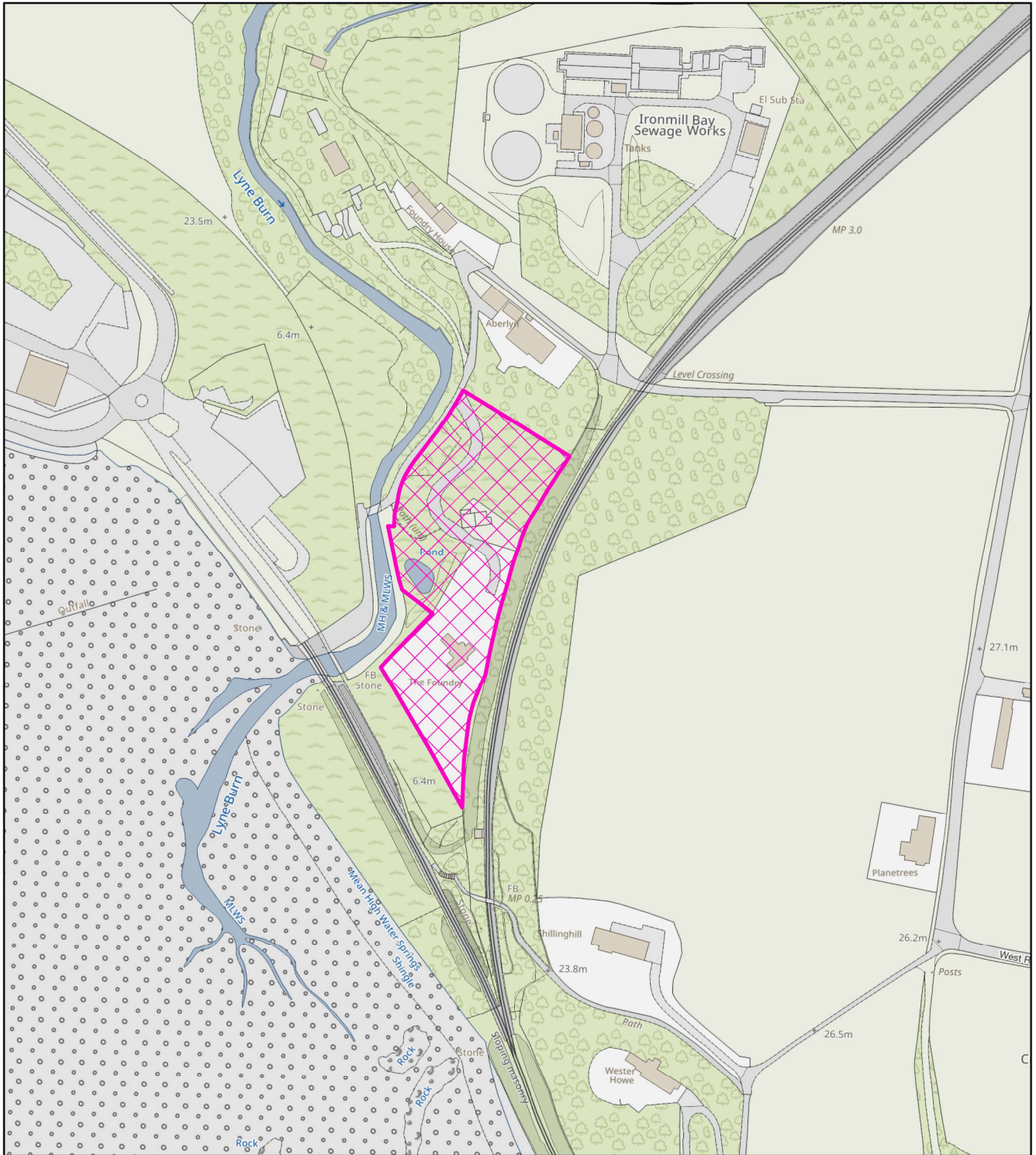
Scottish Government Planning Circular 3/2009: Notification of Planning Applications

Report prepared by Brain Forsyth

Report agreed and signed off by Derek Simpson(Lead Officer) 27.11.23

# 22/02475/FULL

## The Foundry, Charlestown



Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2023. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

|               |                      |  |  |
|---------------|----------------------|--|--|
| <b>Legend</b> |                      |  |  |
|               | Application Boundary |  |  |
|               |                      |  |  |

Committee Date: 06/12/2023

Agenda Item No. 5

---

**Application for Full Planning Permission**

**Ref: 23/01717/FULL**

**Site Address:** Land To The North Of Inchgarvie Avenue Aberdour Road  
Burntisland

**Proposal:** Erection of dwellinghouse (Class 9) and garage with  
associated access and parking

**Applicant:** Paul Dow Joinery, Unit 5C Meadowfield Industrial Estate

**Date Registered:** 6 July 2023

**Case Officer:** David Shankland

**Wards Affected:** W5R09: Burntisland, Kinghorn And West Kirkcaldy

---

### **Reasons for Referral to Committee**

---

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

### **Summary Recommendation**

---

The application is recommended for: Conditional Approval

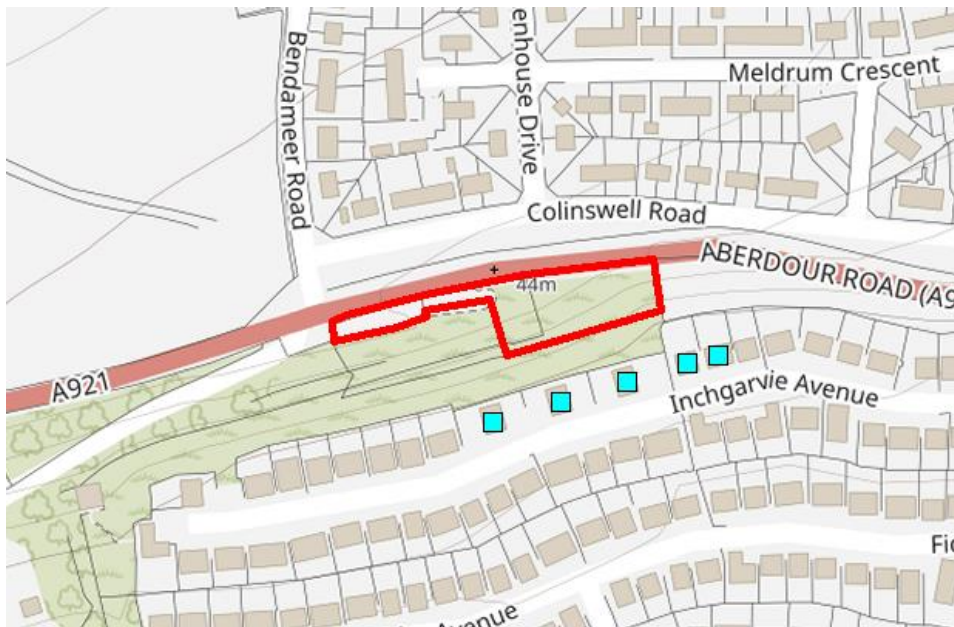
---

## **1.0 Background**

---

### **1.1 The Site**

### 1.1.1 LOCATION PLAN



© Crown copyright and database right 2023. All rights reserved. Ordnance Survey Licence number 100023385.

**1.1.2** The application relates to an area of land of approximately 2300m<sup>2</sup> in size which is located on the south side of Aberdour Road (A921). The application site, which is relatively flat adjacent to the northern boundary and then slopes steeply to the south, is defined in the Adopted FIFEplan (2017) as being situated within the western periphery of the settlement of Burntisland. To the north, the site contains a natural stone wall of approximately 2.4 metres in height that bounds Aberdour Road; to the east is a naturalised area of land; to the south is a further naturalised area of ground which bounds onto the rear gardens of adjacent dwellinghouses; and to the west, the application site bounds the curtilage of a dwellinghouse that is currently under construction by the applicant (Planning Reference 22/03130/FULL). Vehicular access to the site is via an existing vehicular access at the northwest corner of the site boundary off Aberdour Road (A921). This is a shared access with the said dwellinghouse currently under construction. The immediate surrounding area is residential in nature and the existing built form consists of a mix of designs, scale, massing, and finish of residential properties.

## 1.2 The Proposed Development

**1.2.1** Planning permission is sought for the erection of dwellinghouse (Class 9) and garage with associated access and parking. In addition to the relevant scaled drawings of the proposed development, the applicant has also submitted a Design and Access Statement; a Phase I/II Geo-Environmental and Geotechnical Interpretative Report; and a Drainage Report with accompanying drawings, details and signed appendices for consideration.

## 1.3 Relevant Planning History

- Planning permission for the erection of dwellinghouse and garage was originally approved subject to conditions in March 2006 (Planning Reference 05/00165/CFULL). This planning permission was never implemented;
- Planning permission for the erection of dwellinghouse and garage was then approved subject to conditions in March 2016 (Planning Reference 15/01683/FULL). This planning permission was also never implemented;

- Planning permission for the erection of dwellinghouse and two storey garage with associated access, parking and engineering works was then approved in August 2020 (Planning Reference 20/01174/FULL); again this planning permission was never implemented; and,

- Planning permission for the erection of dwellinghouse (Class 9) and associated development (revised scheme) was then approved subject to conditions in December 2022 (Planning Reference 22/03130/FULL). This application sought to reposition the dwellinghouse approved under the 2020 planning permission approximately 13 metres to the west and is currently under construction as detailed above.

## **1.4 Application Procedures**

**1.4.1** Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

**1.4.2** 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 now adopted NPF4 and the adopted FIFEplan LDP 2017.

**1.4.3** The application, due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

**1.4.4** The application was advertised in the courier on 13<sup>th</sup> July 2023 which expired on 3<sup>rd</sup> August 2023.

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

#### **Policy 1 and 2: Tackling the climate and nature crises**

NPF 4 Policies 1 (Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) advise that when considering proposals, significant weight to encourage, promote and facilitate development in sustainable locations and those that address the global climate and nature crises through zero carbon and nature positive places will be encouraged. As such proposals will be sited and designed to minimise lifecycle greenhouse gas emissions and adapt to current and future risks for climate change as far as possible.

#### **Policy 3: Biodiversity**



To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. It elaborates that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design.

#### **Policy 4: Natural places**

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

#### **Policy 6: Forestry, woodland and trees**

The aim is to protect existing trees and woodlands, expanding the cover and ensure that these resources are sustainably managed on development sites. There is a focus on habitat enhancement, or expansion to prevent fragmentation and improve ecological connectivity.

#### **Policy 13: Sustainable transport**

Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and where appropriate they will be accessible by public transport.

#### **Policy 14: Design, quality and place**

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 continues that development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable.

#### [Policy 16: Quality Homes](#)

[Seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland](#)

#### **Policy 22: Flood risk and water management**

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

#### **Policy 23: Health and safety**

To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

### **Adopted FIFEplan (2017)**

#### **Policy 1: Development Principles**

Development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. The principle of development will be supported if the site is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan.

#### **Policy 3: Infrastructure and Services**

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: Amenity

### **Policy 10: Amenity**

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 air quality, contaminated and unstable land, noise/light/odour pollution, traffic movements, privacy, loss of sunlight/daylight, visual appeal of surrounding area or the operation of existing or proposed businesses. Policy 10 also states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

### **Policy 11: Low Carbon Fife**

States that planning permission will only be granted for new development where it has been demonstrated that the proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 20% of these savings from 2020. It states that construction materials should come from local or sustainable sources, water conservation measures should be put in place, SUDS should be utilised, was recycling facilities should be provided.

### **Policy 12: Flooding and the Water Environment**

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 on the site or elsewhere. To ascertain the impact on flooding, developers may be required to provide a flood risk assessment addressing potential sources of flooding and the impact on people, properties, or infrastructure at risk.

### **Policy 13: Natural Environment and Access**

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

### **Policy 14: Built and Historic Environment**

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.

### **Supplementary Guidance**

#### **Making Fife's Places Supplementary Planning Guidance (2018)**

This document sets out Fife Council's expectations for the design of development in Fife. It explains the role of good design in creating successful places where people will want to live work and play through an integrated approach to buildings, spaces and movement.

Supplementary Guidance: Low Carbon Fife (2019)

## **Low Carbon Fife (2019)**

This document provides guidance on the application of FIFEplan Policy 11: Low Carbon Fife and Policy 10: Amenity (specifically relating to Air Quality and the impacts on amenity of low carbon energy proposals).

## **Planning Customer Guidelines**

Fife Council Planning Customer Guidelines: Garden Ground (2016)

Fife Council Planning Customer Guidelines: Daylight/Sunlight (2022)

Fife Council Planning Customer Guidelines: Minimum Distance between Windows Guidance

## **2.0 Assessment**

---

### **2.1 Relevant Matters**

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

- Principle of Development
- Design/ Visual Impact
- Residential Amenity
- Garden Ground
- Road Safety
- Drainage and Flooding
- Land Stability/ Contamination/ Air Quality
- Natural Heritage/ Trees
- Low Carbon/ Climate Mitigation
- Houses in Multiple Occupation

### **2.2 Principle of Development**

**2.2.1** Policy 1 of the Adopted Local Plan and Policy 16 of NPF4 apply.

**2.2.2** In simple land use terms, and by virtue of the site being located within the settlement envelope of Burntisland, the principle of the proposed dwellinghouse meets the overall aims and objectives of the Development Plan and is therefore looked upon favourably. Notwithstanding this, and whilst the principle of the development is looked upon favourably, the overall acceptability of such a development must however also meet other policy criteria and these issues are considered in detail below.

### **2.3 Design/ Visual Impact**

**2.3.1** Policy 14 of NPF4; Policies 1,10 and 14 of the Adopted Local Plan; and Making Fifes Places Supplementary Planning Guidance all apply.

**2.3.2** It is proposed that the dwellinghouse and detached single domestic garage would be sited immediately to the east of the existing dwellinghouse and garage currently under construction. The proposed dwellinghouse is two storeys in height with a flat roof but would appear from the public elevation at Aberdour Road to be single storey in height due to the contours of the site. Consistent with the design ethos of the existing dwellinghouse to the west, the proposed



dwellinghouse adopts a modern contemporary bespoke aesthetic that would sit comfortably and respectfully into the hillside. The modern design and choice of materials are also considered appropriate and again consistent with that of the dwellinghouse to the west which, given its prominent siting when viewed from the south, would help it to fit respectfully in with the setting of the site. The south elevation also includes a large volume of glazing that would offer extensive views across Burntisland and the Firth of Forth. The proposed garage would also be similar in design, scale, massing and finish to the adjacent garage to the west.

**2.3.3** Objections have been received that consider due to a combination of the design and scale of the dwellinghouse, it would not have a positive impact on the immediate built environment. As detailed above, the surrounding area is characterised by residential properties of various designs, scale, massing, and finish. In direct response to the characteristics of the surrounding built form, the proposed development is considered by the Planning Authority to represent a well-considered contemporary designed development that, similar with the existing dwellinghouse to the west, uses the topography of the site sensitively in the overall design approach that would ensure it would have a positive visual impact on its setting. The palette of proposed external finishes are also considered acceptable which consist, again consistent with the adjacent dwellinghouse to the west, of walls in a mix of smooth white render, natural stone and vertical timber cladding with windows and doors being of high efficiency aluminium framed style coloured grey.

**2.3.4** Overall, the proposed development would make a positive contribution to the immediate built environment, and also to the wider context, through the thoughtful and contemporary bespoke design. The application therefore meets the requirements of national guidance, the Development Plan and supplementary guidance in regard to design and visual impact.

## **2.4 Residential Amenity**

**2.4.1** Policy 23 of NPF4; Policies 1 and 10 of the Adopted Local Plan; Fife Council's Minimum Distance between Window Openings guidance; and Fife Council's Customer Guidelines on Daylight and Sunlight apply.

**2.4.2** Representations received raised concerns regarding overlooking and loss of privacy resulting from the proposed development. In this regard, [and notwithstanding the significant elevated position of the proposed development above the adjacent housing development to the south, Members are advised that Fife Council's guidance on window-to-window separation between residential properties recommends a minimum of 18 metres is achieved in order to protect privacy. In this particular case](#) the closest residential property to the south of the proposed dwellinghouse is located approximately 30 metres away. The proposal therefore complies with Fife Council's guidance on Minimum Distances between Window Openings. [In addition to this, and given a combination of both the elevated position of the proposed development that, consistent with the existing dwellinghouse to the west, would have an outlook out and over the adjacent dwellinghouses to the south and also the fact that](#) there are no mutual boundaries to the south it is considered the proposed dwellinghouse is appropriately set back from the neighbouring rear amenity spaces to ensure it would not introduce any additional significant overlooking and loss of privacy concerns.

**2.4.3** Representations received also raised concerns regarding loss of daylight/sunlight resulting from the proposed development. Given a combination of the orientation of proposed dwellinghouse and garage in relation to the surrounding curtilages and the aforementioned distance between the proposed development and the neighbouring residential properties to the south, it is considered the proposal would also not have any significant detrimental impact on the level of daylight to the neighbouring properties or sunlight.

**2.4.4** Overall, it is considered by the Planning Authority that the proposal has been designed in a sympathetic and respectful manner that ensures the amenity of the existing neighbouring residential properties would not be significantly detrimentally affected. The application therefore meets the requirements of the Development Plan and other guidance in this regard.

## **2.5 Garden Ground**

**2.5.1** Policies 1 and 10 of the Adopted Local Plan and Fife Council's Planning Customer Guidelines on Garden Ground apply.

**2.5.2** Due to the topography of the site the dwellinghouse would not have a typical 100 square metre minimum rear garden space expected on new build housing, but a number of private and semi-private outside areas would be available to enjoy views across Burntisland and the Firth of Forth as well as significant open space surrounding the site. In addition, it is also acknowledged that the above guideline also allows for relaxations of the standards where the development, in terms of their outstanding high-quality design, would significantly improve the local area. Taking all these factors into account, it is considered that the proposed development is adequately served with recreational space within and around its curtilage and therefore meets the overall aims and objectives of the Adopted Local Plan and supplementary guidance in this regard.

## **2.6 Road Safety**

**2.6.1** Policy 13 of NPF4; Policies 1, 3 and 10 of the Adopted Local Plan; and Making Fife's Places Supplementary Guidance apply.

**2.6.2** Concerns have been received from 3<sup>rd</sup> party neighbouring properties in relation to road safety. The proposed dwellinghouse would be served via the existing access off Aberdour Road in accordance with the approved development for the adjacent dwellinghouse under planning permission reference 22/03130/FULL. As such, no changes are proposed relating to vehicular access to the site. A total of 3 off-street parking spaces are also proposed within the curtilage of the site for the proposed 4-bedroom dwellinghouse. In direct response to the planning application now under consideration by Members, Transportation and Development Management (TDM) were consulted from the outset and having assessed the content of the submission have confirmed they have no objection to planning permission being granted subject to the inclusion of standard conditions relating to off-street parking, gradients of driveways and a turning area provided within the site.

**2.6.3** Within their overall assessment, TDM advise that they initially expressed concerns on the original application for the adjoining site to the west regarding the substandard visibility at the junction of the existing vehicular access with Aberdour Road (A921). To address their concerns in the interests of road safety, they continue to advise that the planning permission however for the site included an approved drawing that identified the relocation of the existing boundary wall and road kerb and the removal of mature trees which as a result would have provided the necessary oncoming visibility splay (to the east) of 2m x 60m. Subsequently, to this TDM has confirmed that the works required to provide the said oncoming visibility splay were then carried out by the developer and completed following the approval of the planning permission. In addition to this, TDM has also confirmed the proposed development now under consideration would also not have any adverse impact on Aberdour Road, as the works are outwith the 45° slope of influence measured from the rear of Aberdour Road. Overall, TDM are satisfied that subject to the inclusion of the said conditions, they have no objection or concerns from a road and pedestrian safety perspective resulting from the development of the proposed dwellinghouse.

**2.6.4** In light of the above, it is considered that the proposed development, subject to the inclusion of the conditions recommended by TDM, would have no detrimental impact on road safety and therefore accords with the requirements of the Development Plan in this regard.

## **2.7 Drainage and Flooding**

**2.7.1** Policy 22 of NPF4; Policies 1, 3 and 12 of the Adopted Local Plan; and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements all apply.

**2.7.2** Concerns in relation to drainage and flooding have been received from 3<sup>rd</sup> party neighbouring properties from the proposed development. As detailed above, the applicant in this case has submitted a Drainage Report (DR) with accompanying drawings and signed appendices which were prepared and completed by qualified Engineers, dated 20<sup>th</sup> June 2023. From the outset the DR identifies that a foul and surface water disconnecting chamber were previously installed by Avant Homes as part of their now completed housing development at Inchgarvie Avenue to the south which includes private drains that extended from the implemented drainage system to the current application site under consideration. In respect to the current submission, it is demonstrated within the submitted DR and accompanying respective drawings that it is proposed that foul discharge from the proposed dwellinghouse would, consistent with the dwellinghouse to the west, be taken to the existing adopted foul sewer that runs in Inchgarvie Avenue utilizing the existing drains that were previously installed by Avant Homes. It is also recognised that these private drains would be communally owned and maintained by the owners of the dwellinghouse under consideration and the adjacent dwellinghouse to the west. Equally, and consistent with the arrangements for the adjacent dwellinghouse to the west, it is also proposed that surface water run-off from the proposed dwellinghouse would also connect to the existing SUDs system. In accordance with the above guidance, whilst SUDs are not normally required for a single dwellinghouse such as that proposed, the DR confirms that as the application site effectively forms part of larger drainage network, the engineer has therefore provided a gravel filter trench within the garden area downstream of the cellular attenuation that would provide treatment of run-off from both the private driveway and roof. Overall, the submitted report demonstrates that the proposed development has been designed in a manner that ensures the proposal would not give rise to any detrimental impact on drainage and flooding. Fife Council's Structural Services were consulted on the proposed development but at the time of writing the report had not responded. Scottish Water were also consulted on the application and raise no objection to planning permission being granted.

**2.7.3** Given the above, it is the considerations of this Planning Authority that sufficient information has been submitted with the application that demonstrates the proposed development, subject to the inclusion of a standard condition relating to the installation of the proposed drainage system to the existing SUDs scheme in accordance with the submitted DR, complies with the requirements of the Development Plan in relation to flooding and drainage and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management.

## **2.8 Land Stability/ Contamination/ Air Quality**

**2.8.1** Policy 9 of NPF4 and Policies 1 and 10 of the Adopted Local Plan apply.

**2.8.2** Concerns have been raised from 3<sup>rd</sup> party neighbouring properties regarding hill stability/movement. As detailed in the background section of the report, the applicant has submitted a Phase I/II Geo-Environmental and Geotechnical Interpretative Report for consideration that was carried out by qualified Engineers. From the outset, the desktop study report advises that it has

been developed in order to make a preliminary assessment of the geo\_environmental conditions of the site. Members should note that this also includes an assessment on the stability of the site and movement which were expressed by the letter of concern from neighbouring properties. The submitted report also highlights any potential geo-environmental liabilities that may be associated with the development of the study area. No areas of concern which would prevent the construction of the proposed development were raised within the content of the submitted report in this regard. In direct response to the submission, Fife Council's Land and Air Quality Team (LAQT) were consulted and raise no objection to approval being granted on the basis that appropriate standard condition be included in any planning permission that requires the necessary site-specific risk assessments to be carried out and submitted for approval before any works commence on site. In respect to air quality, the LAQT also have no objection to planning permission being granted in this regard.

**2.8.3** Overall, and in light of the above, the application, subject to the conditions identified by the LAQT, meets the provisions of national guidance and the Development Plan in this regard.

## **2.9 Natural Heritage/ Trees**

**2.9.1** Policy 3, 4 and of NPF4 and polices 1 and 13 of the Adopted Local Plan apply.

**2.9.2** Representations received raised concerns for the impact of the proposal on natural heritage and the loss of trees which has occurred on the site. In this regard, it is considered that the previous planning permission for the site and the adjacent dwellinghouse to the west would have informed the appropriate assessment for the wider development site in relation to natural heritage and trees. Given the extent of the work carried out on the overall development site to date, as detailed above, it is therefore considered the current proposal under consideration would not have a significant greater impact on natural heritage than that of which was previously approved and currently under construction.

**2.9.3** In light of the above, it is considered that the proposal is acceptable in this regard and on balance will not have a significant detrimental impact on natural heritage. As such, the proposal is considered by the Planning Authority to be in compliance with the Development Plan.

## **2.10 Low Carbon/ Climate Mitigation**

**2.10.1** Policies 1 and 2 of NPF4; Policies 1 and 11 of the Adopted Local Plan; and Fife Council's Low Carbon Fife Supplementary Guidance apply.

**2.10.2** As detailed above, the applicant has submitted a DAS for consideration which in addition to the overall design ethos aesthetically of the proposed development also demonstrates how the dwellinghouse has been designed to meet the objectives of the Development Plan and guidance in this regard. In addition to the drainage methods detailed above, a flat roof design has also been incorporated into the design solution of the proposed dwellinghouse to minimise scale and impact and assist with energy efficiency which also incorporates a high level of insulation into the construction. Large glazing openings have also been incorporated into the design of the proposed dwellinghouse to ensure the overall energy efficiency of the dwellinghouse is also boosted by solar gains. It is also acknowledged that a greater proportion of materials for the proposed development would be obtained from local/sustainable sources where possible. Overall, the applicant has adequately demonstrated the proposal is considered to conform with the requirements of the Development Plan in this regard.

## **2.11 Houses in Multiple Occupation**

**2.11.1** Policies 1 and 2 of the Adopted Local Plan apply.

**2.11.2** In this case, the applicant does not propose to use the dwellinghouse as an HMO. A condition has therefore been attached to this recommendation regarding this matter.

## 3.0 Consultation Summary

---

|   |  |
|---|--|
| Transportation And Environmental Services - Operations Team | Has no responded within the statutory period.          |
| TDM, Planning Services                                      | Has recommended conditional approval.                  |
| Land And Air Quality, Protective Services                   | Has recommended conditional approval.                  |
| Structural Services - Flooding, Shoreline And Harbours      | Had not responded at the time of writing the report.   |
| Scottish Water  | Has no objection to planning permission being granted. |

## 4.0 Representation Summary

---

**4.1** A total of 10 letters of objection and 1 general comment have been received.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

| <b>Issue</b>                       | <b>Addressed in Section</b> |
|------------------------------------|-----------------------------|
| a. Design Visual Impact            | 2.3                         |
| b. Residential Amenity             | 2.4                         |
| c. Road Safety                     | 2.6                         |
| d. Drainage and Flooding           | 2.7                         |
| e. Hill Stability/ Movement        | 2.8                         |
| f. Natural Heritage/ loss of trees | 2.9                         |

#### 4.2.2 Other Concerns Expressed

| <b>Issue</b>              | <b>Comment</b>  |
|---------------------------|---|
| a. Impact on house values | Concerns regarding the potential effect on house values are noted, however this is not a material planning consideration. |

## 5.0 Conclusions

---

The proposal is considered acceptable in meeting the terms of the Development Plan and relevant guidance. In land use terms, and by virtue of the site being located within the settlement envelope of Burntisland, the principle of the proposed residential development is acceptable. In respect to the impact on the built environment, the overall design represents a well-considered contemporary development that, consistent with the adjacent dwellinghouse to the west, also uses the landscape and topography of the site to ensure the development would have a positive impact on the visual appearance of the site and that within its wider surroundings. The application would also not cause any significant detrimental impacts in terms of residential amenity and road safety and appropriate conditions has been included to ensure infrastructure matters are adequately addressed.

## 6.0 Recommendation

---

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

### **CONDITIONS:**

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 THE DWELLINGHOUSE HEREBY APPROVED, the access driveways shall be constructed at a gradient not exceeding 1 in 10 (10%) and shall have appropriate vertical curves to ensure adequate ground clearance for vehicles.

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

3. PRIOR TO THE OCCUPATION OF THE DWELLINGHOUSE HEREBY APPROVED, there shall be provided within the curtilage of the site 3 parking spaces for vehicles in accordance with the current Fife Council Making Fife's Places Appendix G and as per the layout shown on approved Drawing No PL 103 (Fife Council Reference 03). The parking spaces shall thereafter be retained through the lifetime of the development.

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

4. PRIOR TO THE OCCUPATION OF THE DWELLINGHOUSE HEREBY APPROVED, there shall be provided within the curtilage of the site a turning area for a car. The turning area shall be formed outwith the parking areas and shall thereafter 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.

5. PRIOR TO THE OCCUPATION OF THE DWELLINGHOUSE HEREBY APPROVED, confirmation that the approved drainage details to connect to the existing SUDS, as detailed in the approved Drainage Report (Fife Council Reference 12), have been constructed in line with current best practice shall be submitted to Fife Council. The required confirmation shall comprise the submission of a completed and signed Appendix 6 of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements.

Reason: To ensure the drainage details to the existing SUDS infrastructure has been constructed in accordance with the approved plans and in accordance with current best practice.

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

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

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

7. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 6. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement — or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site — all development work on site (save for site investigation work) shall cease immediately and the local 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 local 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 local planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement — or the approved revised Remedial Action Statement — and a Verification Report in respect of those remedial measures has been submitted to and approved in writing by the local planning authority.

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

8. IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the local 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 local planning authority or (b) the local 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 local planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

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

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

Reason: In the interests of maintaining a mixed and balanced housing stock as required by Policies 1 and 2 of the Adopted FIFEplan 2017.

10. BEFORE ANY WORKS START ON SITE; full details of the proposed energy generating technologies (including manufacturer's details) shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details for the lifetime of the development.



Reason: In the interests of sustainability.

## 7.0 Background Papers

---

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

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

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

[Planning Guidance](#)

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

Other Guidance

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements(2021)

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2017)

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

Fife Council's Minimum Distance between Windows Guidance

Report prepared by David Shankland, Case Officer and Chartered Planner

Report reviewed and agreed by Derek Simpson (Lead Officer) 28.11.23

Committee Date: 06/12/2023

Agenda Item No. 6

---

**Application for Full Planning Permission**

**Ref: 23/01791/FULL**

**Site Address: 8 Fordell Bank Dalgety Bay Dunfermline**

**Proposal: Change of use from public open space to form vehicular access and extended garden ground including the erection of boundary fence and gate (retrospective)**

**Applicant: Ms Clare Hickson, 8 Fordell Bank Dalgety Bay**

**Date Registered: 7 July 2023**

**Case Officer: David Shankland**

**Wards Affected: W5R06: Inverkeithing And Dalgety Bay**

---

### **Reasons for Referral to Committee**

---

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

### **Summary Recommendation**

---

The application is recommended for: Conditional Approval

---

## **1.0 Background**

---

### **1.1 The Site**

### 1.1.1 LOCATION PLAN



© Crown copyright and database right 2023. All rights reserved. Ordnance Survey Licence number 100023385.

**1.1.2** The retrospective planning application relates to an area of land of approximately 40 square which is situated to the north of 8 Fordell Bank which itself is a 2-storey mid-terraced dwellinghouse. The application site, which now forms part of the rear garden of the said dwellinghouse, was formally a grassed area of land which formed part of a wider pocket of grassed open space of approximately 400 square metres. The site itself, albeit formerly a grassed area of land, is not specifically identified in the Adopted FIFEplan (2017) as an area of allocated protected open space. It is also acknowledged from the Adopted Local Plan that the closest defined allocated protected open space is located approximately 50 metres to the southwest of the application site. The site is enclosed by a 1.8 metres high timber fence and double gate. To the north, the application site bounds a public footpath, adjacent to which are allocated on-street parking spaces; to the east, the site again bounds onto the public footpath; to the south is the applicants existing dwellinghouse; and to the west the site bounds onto a grassed area of open space. There is an existing tree within the application site boundary.

**1.1.3** In addition to the above, Members are also advised that the retrospective nature of the proposal is explained in the Supporting Statement submitted with the planning application under consideration which advises the applicant purchased the area of land in question from Fife Council . Upon purchase of the land, the Supporting Statement continues that the applicant was then under the impression that the retrospective works undertaken could lawfully be carried out under permitted development rights for domestic gardens. The applicant then applied to Roads and Transportation Services (RTS) to lower the kerbs and form a vehicular access from the existing parking area which was approved. During the assessment of the retrospective planning application, Fife Council’s Transportation Development Management Team also confirmed the approved status of the dropped kerb and formation of the vehicular access by their colleagues RTS under Section 56 of The Roads (Scotland) Act 1984.

## 1.2 The Proposed Development

**1.2.1** Planning permission is sought in retrospect for change of use from public open space to form vehicular access and extended garden ground including the erection of boundary fence and gate. In respect to the submission, the applicant has submitted a scaled location plan, block plan and photographs of the timber fence and gates in addition to a Supporting Statement

for consideration. Vehicular access to the site is via the existing on-street parking spaces which has resulted in the loss of 1 communal parking space.

### **1.3 Relevant Planning History**

- An enforcement case was opened following receipt of allegations that a material change of use had occurred from public open space to private garden ground including the formation of a vehicular access (Planning Reference 23/00146/ENF). The application currently under consideration was then submitted retrospectively.

### **1.4 Application Procedures**

**1.4.1** Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

**1.4.2** 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 now adopted NPF4 and the adopted FIFEplan LDP 2017.

**1.4.3** A site visit was carried out by the Planning Authority and Transportation Development Management during the assessment of the application.

### **1.5 Relevant Policies**

#### **National Planning Framework 4 (2023)**

##### **Policy 6: Forestry, woodland and trees**

The aim is to protect existing trees and woodlands, expanding the cover and ensure that these resources are sustainably managed on development sites. There is a focus on habitat enhancement, or expansion to prevent fragmentation and improve ecological connectivity.

##### **Policy 13: Sustainable transport**

Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and where appropriate they will be accessible by public transport.

##### **Policy 14: Design, quality and place**

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 continues that development proposals will be

supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable.

### **Policy 16: Quality Homes**

States that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials.

### **Policy 20: Blue and green infrastructure**

To protect and enhance blue and green infrastructure and their networks.

## **Adopted FIFEplan (2017)**

### **Policy 1: Development Principles**

Development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. The principle of development will be supported if the site is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan.

### **Policy 3: Infrastructure and Services**

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: Amenity

### **Policy 10: Amenity**

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 air quality, contaminated and unstable land, noise/light/odour pollution, traffic movements, privacy, loss of sunlight/daylight, visual appeal of surrounding area or the operation of existing or proposed businesses. Policy 10 also states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

### **Policy 13: Natural Environment and Access**

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

### **Policy 14: Built and Historic Environment**

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.

## **Supplementary Guidance**

### **Making Fifes Places Supplementary Planning Guidance (2018)**

This document sets out Fife Council's expectations for the design of development in Fife. It explains the role of good design in creating successful places where people will want to live work and play through an integrated approach to buildings, spaces and movement.

Supplementary Guidance: Low Carbon Fife (2019)

## Planning Customer Guidelines

Fife Council Planning Customer Guidelines: Daylight/Sunlight (2022)

## 2.0 Assessment

---

### 2.1 Relevant Matters

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

- Principle of Development/ Provision of Open Space
- Design/ Visual Impact
- Residential Amenity
- Road Safety
- Trees

### 2.2 Principle of Development/ Provision of Open Space

**2.2.1** Policies 16 and 20 of NPF4 and policies 1, 3 and 10 of the Adopted Local Plan apply.

**2.2.2** Representations received raised concerns regarding the principle of the development. In this particular case, albeit a formerly grassed area of land, the application site is not specifically identified in the Adopted Local Plan as an area of allocated protected open space. In the context of the wider allocated areas of protected open space, the closest is located approximately 50 metres to the southwest of the application site. In simple land use grounds, the proposal is located within the settlement of Dalgety Bay and relates to the loss of a grassed area of open space of approximately 40 square metres which was not considered in this case have had any formal recreational amenity value particularly given its proximity to the public road. Furthermore, the development has not had any significant detrimental impact on the amount of available open space or the existing formal play provision within the surrounding area. The principle of the retrospective development for the change of use of open space to garden ground is therefore considered to meet the requirements of the Development Plan and national guidance. Notwithstanding this, the overall acceptability of the application is subject to the development satisfying other policy criteria such as design, residential amenity and road safety all of which are considered in detail below.

### 2.3 Design/ Visual Impact

**2.3.1** Policies 14 and 16 of NPF4; Policies 1 and 10 of the Adopted Local Plan and Fife Council's Making Fife's Places Supplementary Guidance apply.

**2.3.2** Concerns have been received in relation to the visual impact. In this particular case, the retrospective development has been designed and constructed in a conventional manner with the only external works being the erection of the 1.8-metre-high boundary fence and gates. The design of the fence is consistent with that of neighbouring properties and given its overall scale, the loss of this portion of public green space would not have a significant detrimental impact on the amenity value of the wider area of open space or the surrounding area. In the context, it is therefore considered that the retrospective application offers a good standard of development designed to respond to its location and purpose. The proposed development therefore is considered to meet the relevant policies of the Development Plan relating to design.

## **2.4 Residential Amenity**

**2.4.1** Policy 16 of NPF4; Policies 1 and 10 of the Adopted Local Plan; and Fife Council's Customer Guidelines on Daylight and Sunlight apply.

**2.4.2** Representations received raised concerns regarding residential amenity. In this instance, given the scale of the boundary treatment which is consistent with that of neighbouring properties and the orientation of the site, it is not considered therefore that the retrospective development has any significant detrimental impact on the surrounding area in terms of its impact on residential amenity. The application therefore accords with the requirements of the Development Plan in this regard.

## **2.5 Road Safety**

**2.5.1** Policy 13 of NPF4; Policies 1, 3 and 10 of the Adopted Local Plan; and Making Fife's Places Supplementary Guidance apply.

**2.5.2** Concerns have been received from 3<sup>rd</sup> party neighbouring properties in relation to road and pedestrian safety. In direct response to the submission, and as advised above, Fife Council's Transportation Development Management Team (TDMT) were consulted on the application. The team concluded following review of the content of the submission and having conducted a site visit that they had no objection to planning permission being granted subject to the inclusion of a condition relating to the opening of the existing vehicular access gates. Within their assessment the TDMT advise from the outset that they checked with their colleagues in Roads and Transportation Services (RTS) who confirmed they had, prior to the submission of the retrospective planning application now under consideration by members, already granted the applicant permission under Section 56 of The Roads (Scotland) Act 1984 to lower the kerbs and form a vehicular access from the existing parking area. In respect to their separate assessment in that regard, it is reiterated that RTS decided that the permanent loss of one communal parking space to form the vehicular access into the area of land in question was acceptable. Therefore, members are again advised that the TDMT confirmed they had no objections or further comments to make on this aspect of the retrospective planning application. Notwithstanding this, members should be aware that despite the respective granting from RTS and acceptance from the TDMT on the loss of the one communal parking space, this does not automatically mean that planning permission will be acceptable. In this particular case however, it is the considerations of the Planning Authority that in the context of its setting which includes on-street parking facilities for residents within the street and the nature of the retrospective proposal, in which the applicant not only has a private parking space within their retrospective curtilage under consideration but could also park in front of their gate, the permanent loss of the communal parking space does not have a significant detrimental impact on road safety within its setting. On other material considerations of the retrospective proposal, and having conducted their own site visit, the TDMT confirm that they note the vehicular access gates open outwards onto the public footway to the rear of the parking area. This aspect of the retrospective proposal under consideration however they continue is completely unacceptable as the gates would block the public footway when open and in addition, when the applicant is opening the gates from inside their property, they would be unable to see any pedestrians or children on scooters etc using the public footway. Both these scenarios are therefore considered to be detrimental to pedestrian safety and the existing retrospective gates are therefore considered unacceptable. As a result, the TDMT have confirmed, should Members be minded to grant planning permission, that it will be necessary that an appropriate condition is included in the permission that requires either the gates to be permanently removed or replaced with gates that are manufactured to ensure they can only be opened inwards into the application site. A draft condition has therefore been recommended in this regard.

**2.5.3** In light of the above, it is considered that the retrospective development, subject to the inclusion of the condition recommended by the TDMT, would not have any detrimental impact on road and pedestrian safety and therefore accords with the requirements of the Development Plan in this regard.

## **2.6 Trees**

**2.6.1** Policy 6 of NPF4 and Policies 1 and 13 of the Adopted Local Plan apply.

**2.6.2** The applicant has retained the existing tree within the site and there are no proposals to remove it from the content of the retrospective application. The tree is not protected. The application therefore meets the requirements of the Development Plan in this regard.

## **3.0 Consultation Summary**

---

TDM, Planning Services

Has recommended conditional approval.

## **4.0 Representation Summary**

---

**4.1** A total of 14 letters of objection and a separate letter from Dalgety Bay and Hillend Community Council have been received.

### **4.2 Material Planning Considerations**

#### **4.2.1 Objection Comments:**

| <b>Issue</b>                  | <b>Addressed in Section</b> |
|-------------------------------|-----------------------------|
| a. Principle of Development   | 2.2                         |
| b. Design/ Visual Impact      | 2.3                         |
| c. Residential Amenity        | 2.4                         |
| d. Road and Pedestrian Safety | 2.5                         |

## **5.0 Conclusions**

---

The proposal is acceptable in meeting the terms of the Development Plan and National Guidance. Given the small-scale nature of the retrospective application it is not considered the development has any significant detrimental impact on the amount of available open space or the existing formal play provision within the immediate surrounding area. From a visual perspective, the boundary enclosure of the site is compatible with the immediate built environment and does not have any significant detrimental impact on residential amenity. The retrospective development, subject to the inclusion of the recommended conditions, would also not have any detrimental impact on pedestrian or road safety and the existing tree within the site would be retained.



## 6.0 Recommendation

---

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

### **CONDITIONS:**

1. FOR THE AVOIDANCE OF DOUBT, the existing vehicular access gates shown on the submitted photographs with the application which open outwards onto the public footway are hereby not hereby approved. WITHIN 3 MONTHS FROM THE DATE OF THE PLANNING PERMISSION, the gates shall either be permanently removed or replaced with gates that are manufactured to ensure they can only be opened inwards into the application site.

Reason: In the interest of pedestrian safety; to avoid gates opening outwards and blocking the public footway or striking pedestrians on the footway.

## 7.0 Background Papers

---

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

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

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

[Planning Guidance](#)

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

Other Guidance

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2017)

Report prepared by David Shankland, Case Officer and Chartered Planner

Report reviewed and agreed by Derek Simpson (Lead Officer ) 28.11.23



Committee Date: 06/12/2023

Agenda Item No. 7

---

**Application for Full Planning Permission** **Ref: 23/01304/FULL**

**Site Address:** Banchory House Kirkcaldy Fife

**Proposal:** Alterations to dwellinghouse including first floor extension, single storey extension, and erection of domestic garage

**Applicant:** Mrs Jane Manifold, Banchory House Kirkcaldy

**Date Registered:** 19 May 2023

**Case Officer:** Gary Horne

**Wards Affected:** W5R09: Burntisland, Kinghorn And West Kirkcaldy

---

### **Reasons for Referral to Committee**

---

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

### **Summary Recommendation**

---

The application is recommended for: Refusal

---

## **1.0 Background**

---

### **1.1 The Site**

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

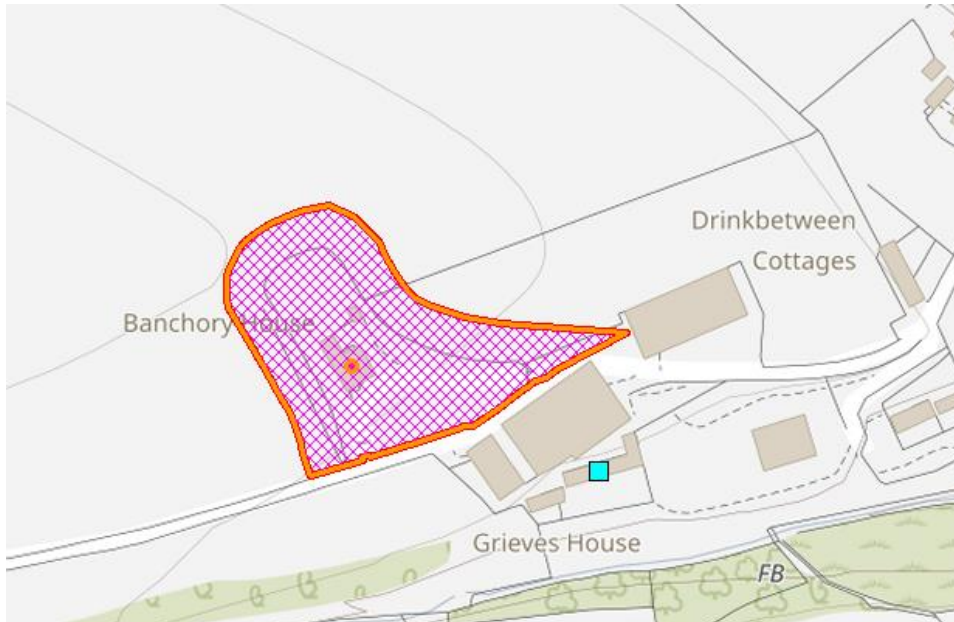
supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

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 an early 19th Century two storey detached farmhouse, including single storey rear wing, situated in the countryside approximately 1km north-west of the Kinghorn settlement boundary . The property, which is a Category (C) Listed Building, is externally finished with harled walls, a slated hipped roofs and timber sash and case windows and includes a modern conservatory extension to the side and rear single storey extensions. The development site is located within rural location set amongst agricultural land and working farm buildings.

### 1.1.2 LOCATION PLAN



© Crown copyright and database right 2023. All rights reserved. Ordnance Survey Licence number 100023385.

## 1.2 The Proposed Development

1.2.1 This application seeks Planning Permission for the erection of a first floor extension including catslide dormers to the rear of the dwellinghouse, the erection of a side extension, the erection of a domestic garage outbuilding and external alterations including the formation of a car port, the installation of French and Bi-fold doors.

1.2.2 It is proposed to add a first floor extension above the entirety of the existing rear wing, approximately 13m in length and increasing the height of the rear wing by an additional 4.75m. The extension would include seven catslide dormers, a slated hipped roof, matching render, 6-over-6 timber sash and case windows and a flue pipe at roof level. A single storey orangery extension would replace the existing conservatory extension to the side, timber framed with windows, doors and astragals to reflect existing dwelling and a flat roof with glazed cupola. The proposed garage would occupy a footprint of approximately 64 sqm, would be sited to east of

the dwellinghouse and would include twin up and over garage doors and a single modern horizontally aligned window opening. The entirety of the rear wing east elevation would be demolished to incorporate the two storey scheme, in addition to two enlarged openings on the west elevation to form French door and quad leaf Bi-fold door openings, the rear wall of the secondary rear extension and a small entrance porch to the side of the secondary rear extension.

1.2.3 The applicant has provided a supporting statement which offer that the proposal is visually subservient to the original property and that the character of the property would not be altered as the footprint already exists. The statement also highlighted two historic decisions Fife Council had issued in 2010 and 2014 for two storey extensions on Listed Buildings.

### **1.3 Relevant Planning History**

18/03548/APN - Prior Notification for Farm-related Building Works (Non-residential) - PER - 11/01/19

23/01304/FULL - Alterations to dwellinghouse including first floor extension, single storey extension, and erection of domestic garage - PDE -

23/01305/LBC - Listed building consent for alterations to dwellinghouse including first floor extension, single storey extensions and installation of bifold doors, and erection of domestic garage - PDE -

### **1.4 Application Procedures**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

### **1.5 Relevant Policies**

#### **National Planning Framework 4 (2023)**

Policy 7: Historic assets and places

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

Policy 14: Design, quality and place

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

Policy 16: Quality Homes

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland

#### **Adopted FIFEplan (2017)**

## Policy 1: Development Principles

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

## Policy 10: Amenity

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

## Policy 14: Built and Historic Environment

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

## National Guidance and Legislation

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

Special regard shall be given to the building or its setting and change shall be managed to protect its special interest. Design and materials which will affect a Listed Building, or its setting shall be appropriate to the character and appearance of the building and its setting.

Historic Environment Policy for Scotland (HEPS) (April 2019)

Historic Environment Scotland (HES) Managing Change Series - Extensions 2010 (updated 2020)

HES sets out the general principles that should apply when proposing new work to ensure that a Listed Building or its setting or any features of special architectural or historic interest are safeguarded from harm or inappropriate change. Design proposals should satisfy the principles for change as set down by HES.

## Supplementary Guidance

### Planning Policy Guidance

### Planning Customer Guidelines

#### Windows in Listed Buildings and Conservation Areas

In general we will consider whether your proposals protect and enhance the traditional character and appearance of the building

#### Home Extensions

The size and design of extensions should fit in with the rest of the building. They should not dominate or detract from it or from neighbouring buildings. They should be visually and physically subordinate to the existing frontage.

## Other Relevant Guidance

## 2.0 Assessment

---

### 2.1 Relevant Matters

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

- Design / Impact upon the Character of a Listed Building

### 2.2 Design / Impact upon the Character of a Listed Building

2.2.1 One representation has been received in this instance raising concerns regarding the loss of fabric and character. Specific concerns were made relating to significant dntakings of original materials including the removal of original windows and a fireplace. It was noted that the proposed extension was excessive, not subservient and that any extension should respect the scale and massing of the original property.

2.2.2 Initial concerns were raised with the applicant and their appointed agent relating to the scale and mass of the rear extension, the extent of proposed dntakings, the proposed window proportions and fenestration and the inclusion of a modern window within the proposed garage. Following discussions amended proposals were submitted however it was considered that these did not alleviate the initial concerns. The applicant however has expressed their desire for the application to be considered as submitted.

2.2.3 The proposed first floor extension to the rear of the property is considered to be excessive in terms of its scale and mass and would result in a rear two storey extension, measuring approximately 13m in length and 7.5m in height, which would not be subsidiary to the original dwellinghouse to the detriment of its appearance and character. Although efforts have been made to reduce the height of the proposed extension, seven catslide dormers have now been included to accommodate the required head height which are considered to be incongruous with architectural detailing of the building and which add a complexity to the roofscape which further detracts from the original building. Whilst the rear single storey wing is not original to the building, records show an outshoot from the main dwelling dating back to at least 1900 and there has been no subsequent evidence to dispute this. As such, the proposed extensive demolition of the rear wing's exterior, in addition to original external fabric within the original building, is not considered to be justifiable in order to facilitate an unsuitable upper floor extension. Whilst the inclusion of French doors sited where the existing garage door is located are considered acceptable, and a further set of French doors on the opposing elevation would not be considered onerous, the further removal of historic fabric to form a quad leaf bi-folding door opening is considered excessive and would not respect the overall character of the building.

2.2.4 The proposed side extension is considered to be suitably scaled and sited. It would replace an existing conservatory extension which does not contribute to the character of the building and appropriate finishing materials and detailing is proposed. Likewise, the principle of the proposed garage could also be supported however the inclusion of a modern window element is unsuitable and would be an incongruous inclusion within this historic environment. Concerns were raised regarding the proportions and appearance of this window however no further revision has been received. As such the design of the garage can not be supported in its current form given the adverse impact it would have upon the surrounds.

2.2.5 In light of the above, the proposal is considered to be unacceptable in terms of form, scale, layout, detailing and choice of materials. The proposal would not protect the character and appearance of this Category (C) Listed Building and as such, the proposal would not be in compliance with the Development Plan and its associated guidance.

### 3.0 Consultation Summary

---

Scottish Water

No objections.

### 4.0 Representation Summary

---

4.1 One representation has been received, objecting to the application.

#### 4.2 Material Planning Considerations

##### 4.2.1 Objection Comments:

| <b>Issue</b>                    | <b>Addressed in Paragraph</b> |
|---------------------------------|-------------------------------|
| a. loss of fabric and character | 2.2.1                         |
| b. significant downtakings      | 2.2.1                         |
| c. scale                        | 2.2.1                         |

### 5.0 Conclusions

---

The proposal is considered to be unacceptable in terms of form, scale, layout, detailing and choice of materials. The proposal would not protect the character and appearance of this



Category (C) Listed Building and as such, the proposal would not be in compliance with the Development Plan and its associated guidance.

## 6.0 Recommendation

---

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of visual amenity and preserving the character of a Listed Building; the proposed first floor extension by virtue its scale, mass, detailing and unnecessary and extensive removal of historic fabric would not preserve or enhance the appearance and character of this Category (C) Listed Building, contrary to Policies 7 and 14 of NPF4 (2023), Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Policies 1, 10 and 14 of the Approved FIFEplan (2017) and Fife Council Planning Customer Guidelines on Home Extensions (2016).
2. In the interests of visual amenity and preserving the character of the setting of a Listed Building; the proposed garage by virtue of the inclusion of a modern horizontally aligned window opening, would not preserve or enhance the appearance and character of the setting of a Category (C) Listed Building, contrary to Policies 7 and 14 of NPF4 (2023), Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019) and Policies 1, 10 and 14 of the Approved FIFEplan (2017).

## 7.0 Background Papers

---

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

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

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

[Planning Guidance](#)

National Guidance

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

Historic Environment Policy for Scotland (2019)

NPF4 (2023)

Development Plan

Adopted FIFEplan Local Development Plan (2017)

Other Guidance

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

Fife Council's Planning Customer Guidelines on Home Extensions (including conservatories and

Report prepared by Gary Horne

Report reviewed and agreed by Derek Simpson (Lead Officer) 27.11.23

Committee Date: 06/12/2023

Agenda Item No. 8

---

**Application for Listed Building Consent**

**Ref: 23/01305/LBC**

**Site Address:** Banchory House Kirkcaldy Fife

**Proposal:** Listed building consent for alterations to dwellinghouse including first floor extension, single storey extensions and installation of bifold doors, and erection of domestic garage

**Applicant:** Mrs Jane Manifold, Banchory House Kirkcaldy

**Date Registered:** 19 May 2023

**Case Officer:** Gary Horne

**Wards Affected:** W5R09: Burntisland, Kinghorn And West Kirkcaldy

---

### **Reasons for Referral to Committee**

---

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

### **Summary Recommendation**

---

The application is recommended for: Refusal

---

## **1.0 Background**

---

### **1.1 The Site**

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.

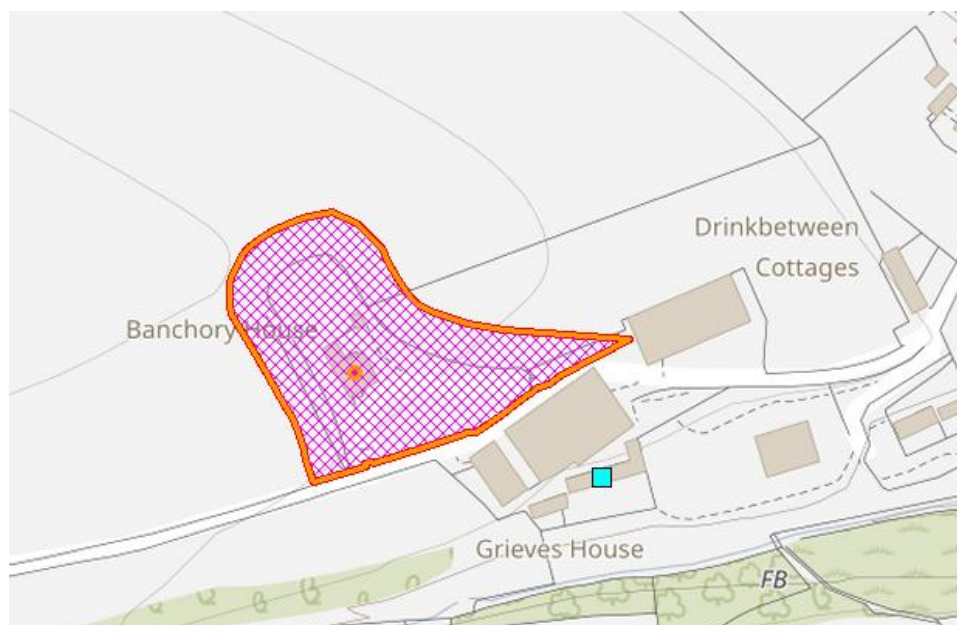
The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

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 an early 19th Century two storey detached farmhouse, including single storey rear wing, situated in the countryside approximately 1km north-west of the Kinghorn settlement boundary. The property, which is a Category (C) Listed Building, is externally finished with harled walls, a slated hipped roofs and timber sash and case windows and includes a modern conservatory extension to the side and rear single storey extensions. The development site is located within rural location set amongst agricultural land and working farm buildings.

### 1.1.2 LOCATION PLAN



© Crown copyright and database right 2023. All rights reserved. Ordnance Survey Licence number 100023385.

## 1.2 The Proposed Development

1.2.1 This application seeks Listed Building Consent for the erection of a first floor extension including catslide dormers to the rear of the dwellinghouse, the erection of a side extension, the erection of a domestic garage outbuilding and internal and external alterations including the formation of a car port, the installation of French and Bi-fold doors.

1.2.2 It is proposed to add a first floor extension above the entirety of the existing rear wing, approximately 13m in length and increasing the height of the rear wing by an additional 4.75m. The extension would include seven catslide dormers, a slated hipped roof, matching render, 6-over-6 timber sash and case windows and a flue pipe at roof level. A single storey orangery extension would replace the existing conservatory extension to the side, timber framed with windows, doors and astragals to reflect existing dwelling and a flat roof with glazed cupola. The

entirety of the rear wing east elevation would be demolished to incorporate the two storey scheme, in addition to two enlarged openings on the west elevation to form French door and quad leaf Bi-fold door openings, the rear wall of the secondary rear extension and a small entrance porch to the side of the secondary rear extension. Internally, several partition walls would be removed at ground floor level including original fabric to the rear of the original dwelling and an enlarged opening to the proposed orangery whilst additional minor layout alterations are proposed at first floor level in addition to the removal of a fireplace.

1.2.3 The applicant has provided a supporting statement which offer that the proposal is visually subservient to the original property and that the character of the property would not be altered as the footprint already exists. The statement also highlighted two historic decisions Fife Council had issued in 2010 and 2014 for two storey extensions on Listed Buildings.

### **1.3 Relevant Planning History**

18/03548/APN - Prior Notification for Farm-related Building Works (Non-residential) - PER - 11/01/19

23/01304/FULL - Alterations to dwellinghouse including first floor extension, single storey extension, and erection of domestic garage - PCO -

23/01305/LBC - Listed building consent for alterations to dwellinghouse including first floor extension, single storey extensions and installation of bifold doors, and erection of domestic garage is on this agenda with a recommendation of refusal.

### **1.4 Application Procedures**

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

### **1.5 Relevant Policies**

#### **National Planning Framework 4 (2023)**

Policy 7: Historic assets and places

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

Policy 14: Design, quality and place

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

Policy 16: Quality Homes

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland

## **Adopted FIFEplan (2017)**

### **Policy 1: Development Principles**

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

### **Policy 10: Amenity**

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

### **Policy 14: Built and Historic Environment**

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

## **National Guidance and Legislation**

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

Special regard shall be given to the building or its setting and change shall be managed to protect its special interest. Design and materials which will affect a Listed Building, or its setting shall be appropriate to the character and appearance of the building and its setting.

Historic Environment Policy for Scotland (HEPS) (April 2019)

Historic Environment Scotland (HES) Managing Change Series - Extensions 2010 (updated 2020)

HES sets out the general principles that should apply when proposing new work to ensure that a Listed Building or its setting or any features of special architectural or historic interest are safeguarded from harm or inappropriate change. Design proposals should satisfy the principles for change as set down by HES.

## **Supplementary Guidance**

### **Planning Policy Guidance**

### **Planning Customer Guidelines**

#### **Home Extensions**

The size and design of extensions should fit in with the rest of the building. They should not dominate or detract from it or from neighbouring buildings. They should be visually and physically subordinate to the existing frontage.

### **Other Relevant Guidance**

## **2.0 Assessment**

---

## 2.1 Relevant Matters

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

- Design / Impact upon the Character of a Listed Building

## 2.2 Design / Impact upon the Character of a Listed Building

2.2.1 One representation has been received in this instance raising concerns regarding the loss of fabric and character. Specific concerns were made relating to significant dntakings of original materials including the removal of original windows and a fireplace. It was noted that the proposed extension was excessive, not subservient and that any extension should respect the scale and massing of the original property.

2.2.2 Initial concerns were raised with the applicant and their appointed agent relating to the scale and mass of the rear extension, the extent of proposed dntakings, the proposed window proportions and fenestration and the inclusion of a modern window within the proposed garage. Following discussions amended proposals were submitted however it was considered that these did not alleviate the initial concerns. The applicant however has expressed their desire for the application to be considered as submitted.

2.2.3 The proposed first floor extension to the rear of the property is considered to be excessive in terms of its scale and mass and would result in a rear two storey extension, measuring approximately 13m in length and 7.5m in height, which is would not be subsidiary to the original dwellinghouse at the detriment to its appearance and character. Although efforts have been made to reduce the height of the proposed extension, seven catslide dormers have now been included to accommodate the required head height which are considered to be incongruous with architectural detailing of the building and which add a complexity to the roofscape which further detracts from the prominence of the original building. Whilst the rear single storey wing is not original to the building, records show an outshoot from the main dwelling dating back to at least 1900 and there has been no subsequent evidence to dispute this. As such, the proposed extensive demolition of the rear wing's exterior, in addition to original external fabric within the original building, is not considered to be justifiable in order to facilitate an unsuitable upper floor extension. Whilst the inclusion of French doors sited where the existing garage door is located are considered acceptable, and a further set of French doors on the opposing elevation would not be considered onerous, the further removal of historic fabric to form a quad leaf bi-folding door opening is considered excessive and would not respect the overall character of the building.

2.2.4 The proposed side extension is considered to be suitably scaled and sited. It would replace an existing conservatory extension which does not contribute to the character of the building and appropriate finishing materials and detailing is proposed.

2.2.5 It is considered that the internal alterations could be justified if the proposed overall renovation of the building was sympathetic to the appearance of the building, respected the character of the building and avoided the unnecessary removal of the building's fabric. It is considered that this aim has not been achieved and therefore the reconfiguration of the

building's layout, including the removal of partition walls, external walls and a fireplace cannot be supported in this instance.

2.2.6 In light of the above, the proposal is considered to be unacceptable in terms of form, scale, layout, detailing and choice of materials. The proposal would not protect the character and appearance of this Category (C) Listed Building and as such, the proposal would not be in compliance with the Development Plan and its associated guidance.

### 3.0 Consultation Summary

---

Built Heritage, Planning Services

Unable to support the current iteration of the proposals as the proposals would fail to preserve the character, special architectural, and historic interest of the listed building and the contribution made to it by its setting. Failing in this, the proposals would result in an adverse impact to the cultural significance of the listed building.

### 4.0 Representation Summary

---

4.1 One representation has been received, objecting to the proposals.

#### 4.2 Material Planning Considerations

##### 4.2.1 Objection Comments:

| <b>Issue</b>                    | <b>Addressed in Paragraph</b> |
|---------------------------------|-------------------------------|
| a. loss of fabric and character | 2.2.1                         |
| b. significant doughtakings     | 2.2.1                         |
| c. scale                        | 2.2.1                         |

### 5.0 Conclusions

---

The proposal is considered to be unacceptable in terms of form, scale, layout, detailing and choice of materials. The proposal would not protect the character and appearance of this



Category (C) Listed Building and as such, the proposal would not be in compliance with the Development Plan and its associated guidance.

## 6.0 Recommendation

---

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of visual amenity and preserving the character of a Listed Building; the proposed first floor extension by virtue its scale, mass, detailing and unnecessary and extensive removal of historic fabric would not preserve or enhance the appearance and character of this Category (C) Listed Building, contrary to Policies 7 and 14 of NPF4 (2023), Section 14 (2) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Policies 1, 10 and 14 of the Approved FIFEplan (2017) and Fife Council Planning Customer Guidelines on Home Extensions (2016).

## 7.0 Background Papers

---

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

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

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

[Planning Guidance](#)

National Guidance

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

Historic Environment Policy for Scotland (2019)

NPF4 (2023)

Development Plan

Adopted FIFEplan Local Development Plan (2017)

Other Guidance

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

Fife Council's Planning Customer Guidelines on Home Extensions (including conservatories and

Report prepared by Gary Horne

Report reviewed and agreed by Derek Simpson (Lead Officer) 27.11.23

Committee Date: 06/12/23

Agenda Item No: 9

---

**Application for Full Planning Permission**

**Ref: 23/01447/FULL**

**Site Address:** 73 - 75 High Street Inverkeithing Fife

**Proposal:** Change of use of part of shop (Class 1A) to flatted dwelling (Sui Generis) including installation of replacement windows and door and erection of single storey extension

**Applicant:** Samou Property Ltd, 1 Gateside Industrial Estate Old Perth Road

**Date Registered:** 22 August 2023

**Case Officer:** Emma Baxter

**Wards Affected:** W5R06: Inverkeithing And Dalgety Bay

---

**Reasons for Referral to Committee**

---

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

**Summary Recommendation**

---

The application is recommended for: Conditional Approval

---

## 1.0 Background

---

### 1.1 The Site

1.1.1. The application relates to the first floor of a two/three storey property located within the Inverkeithing settlement boundary and on the edge of the Inverkeithing Conservation Area. The site is also situated within the Inverkeithing Area of Archaeological Regional Importance and Local Shopping Centre. The front of the property facing onto High Street has a slate roof, uPVC windows and a render finish. The part of the building subject to this application has uPVC windows, a flat roof and render finish and is currently used as a storage room serving the ground floor shop (Class 1). The proposal site at first floor level is set back and not visible from the east elevation on High Street, however due to the topography of the surrounding area, is accessed at street level from the west on Roman Road. The surrounding area comprises of

residential properties to the west along Roman Road and commercial premises to the east at ground floor level along High Street.

### 1.1.2 LOCATION PLAN



© Crown copyright and database right 2023. All rights reserved. Ordnance Survey Licence number 100023385.

## 1.2 The Proposed Development

1.2.1. The application seeks planning permission for a change of use of part of shop (Class 1A) to flatted dwelling (Sui Generis) including installation of replacement windows and door and erection of single storey extension. The proposed extension would have a footprint of approximately 19m<sup>2</sup> and would have a brick facing finish with uPVC windows and rainwater goods. Furthermore, the proposed development seeks to install two new windows. These would comprise of white upvc to match the existing windows.

## 1.3 Relevant Planning History

- 19/03625/FULL - Change of use of retail unit (Class 1) to form restaurant (Class 3) with takeaway facility (Sui Generis) and external alterations including installation of flue – Withdrawn - 27/01/20
- 22/03384/FULL - Part change of use from shop (Class 1) to hostel (Class 7) installation of replacement windows and door and erection of extension – Withdrawn - 18/01/23

## 1.4 Application Procedures

1.4.1. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

1.4.2. 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 now adopted NPF4 and the adopted FIFEplan LDP 2017.

1.4.3. A site visit was conducted on 13/01/2023 as part of the consideration of 22/03384/FULL. Further information has been collated digitally to allow the full consideration and assessment of the application. The following additional evidence was used to inform the assessment of this proposal:

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

## 1.5 Relevant Policies

### National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 7: Historic assets and places

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

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

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

Policy 13: Sustainable transport

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

#### Policy 15: Local Living and 20 minute neighbourhoods

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options

#### Policy 27: City, town, local and commercial centres

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

### **Adopted FIFEplan (2017)**

#### Policy 1: Development Principles

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

#### Policy 3: Infrastructure and Services

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

#### Policy 6: Town Centres First

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

#### Policy 10: Amenity

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

#### Policy 14: Built and Historic Environment

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

### **Supplementary Guidance**

#### Supplementary Guidance: Making Fife's Places (2018)

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

## **Planning Customer Guidelines**

Daylight and Sunlight

Garden Ground

## **Other Relevant Guidance**

Inverkeithing Conservation Area Appraisal and Management Plan

Minimum Distances between Window Openings

# **2.0 Assessment**

---

## **2.1 Relevant Matters**

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

- Principle of Development
- Design and Layout/Visual Impact on the Conservation Area
- Residential Amenity
- Transportation/Road Safety

## **2.2 Principle of Development**

2.2.1. NPF4 does not make specific reference to local centres within any of its policies, however the below provisions of Policy 27 are still relevant to the assessment of this application. Part F states that development proposals for residential use at ground floor level within city/town centres will only be supported where the proposal will:

- retain an attractive and appropriate frontage;
- not adversely affect the vitality and viability of a shopping area or the wider centre; and
- not result in an undesirable concentration of uses, or 'dead frontages'.

NPF4 Policies 1, 9 and 15 and FIFEplan Policies 1 and 6 also apply in regard to the principle of development.

2.2.2 Objection comments received note concerns with the implication the loss of storage space for the associated Class 1A business could have on the viability of the High Street.

2.2.3. As the proposal is situated within the settlement envelope of Inverkeithing, there is a presumption in favour of development within FIFEplan. Whilst it is acknowledged that the proposed development would result in the loss of Class 1A space within a local shopping centre, given that the main portion of the Class 1A property, which is situated with an active frontage onto High Street would remain, it is considered that the proposed change of use would not result in any significant detrimental impact to the local shopping centre or the character of the surrounding area and neighbouring land uses. Moreover, the proposed use would bring more people to the area, thereby supporting the vitality and viability of Inverkeithing's Local Shopping Centre. It is also considered that given the site is located in close proximity to various amenities including shops, eateries, community facilities and the railway station, the proposed development would be consistent with the 20-minute neighbourhood principle and NPF4 Policy 15. Finally, the proposed development would result in the re-use of a brownfield site and an existing building and therefore would be considered to be supported under Policies 1 and 9 of NPF4.

2.2.4. In light of the above, it is considered that the proposed development is compatible with the area in terms of land use, meeting the policy requirements of the development plan, and therefore deemed acceptable in principle. The overall acceptability of any such development however must also satisfy other relevant Development Plan policy criteria as identified in the following sections of this report.

## **2.3 Design And Layout / Visual Impact on the Conservation Area**

2.3.1. NPF4 Policy 7, FIFEplan Policies 1 and 10, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Fife Council's Inverkeithing Conservation Area Appraisal and Conservation Area Management Plan apply in regard to design and visual impact on the Conservation Area.

2.3.2. Planning permission is sought for a single storey extension to the east of the development site. The extension would sit to the east of the existing storage area and to the west/rear of the two storey portion of 73-75 which fronts High Street. The proposed extension would have a footprint of approximately 19m<sup>2</sup> and would have a brick facing finish with uPVC windows and rainwater goods. Moreover, it is proposed to remove the existing 10 rooflights within the property and replace these with a total of 14 (three of which would be within the



proposed extension. In addition, the proposed development seeks to install two new windows. These would comprise of white upvc to match the existing windows.

2.3.3. The proposal would be situated to the rear on a secondary elevation of the building which is not visible from any public road. Furthermore, given the surrounding context in which the proposed extension would be located and viewed within, it is considered that the proposed works would not have a significant adverse impact on the character or appearance of the surrounding area.

2.3.4. In light of the above, the proposal would have no significant detrimental impact on the visual amenity of the surround area and would preserve the character of the Conservation Area. The proposal would therefore be deemed to comply with the Adopted FIFEplan 2017 and NPF4 in this regard.

## **2.4 Residential Amenity**

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

2.4.2. Letters of representation received for this application objected to the proposed development due to concerns that the proposal would introduce new windows which would overlook neighbouring windows and gardens. Furthermore, objections were raised due to concerns with noise levels.

2.4.3. The proposed development initially sought the installation five new windows. An additional two windows on the western elevation of the building facing towards Roman Road, onto the proposed car parking area and a new window on the northern elevation of the proposed extension would not result in any significant detrimental impact on the privacy of neighbouring properties. Moreover, the proposed extension would create a new door facing eastward towards High Street. However, this door would not contain any windows and therefore would have no impact on the privacy levels of the neighbouring properties to the east. The proposed development also originally included the installation of three new windows on the southern elevation of the existing building which would look directly into the garden ground of Jimaroyce, the property to the southwest. The proposal has subsequently been amended to exclude the installation of these three proposed windows and therefore, it is considered that the proposed development would not result in any detrimental impact on the privacy levels of existing surrounding properties. However, a condition is recommended to remove the permitted development rights for this property, in the interest of residential amenity and safeguarding the level of privacy enjoyed by neighbouring properties.

2.4.4. The proposed extension would not lie south of the centre point of any adjoining properties amenity space and therefore it is considered that the proposal would not result in any significant detrimental impact in regard to sunlight levels received by neighbouring properties. Moreover, given the scale of the proposed extension and its position in relating to neighbouring windows, it is considered that the proposed development would have no significant detrimental impact on the daylight levels of any neighbouring properties.

2.4.5. With regard to noise, given that the proposed development would result in the property coming under the same use class as many of the surrounding properties on Roman Road and the surrounding area, it is considered that the proposed development would not result in any

significant detrimental impact on the amenity of nearby residential property. Moreover, the existing residential properties surrounding the application site are already in close proximity to retail and other commercial uses. In this context it is considered that the proposed development would not be adversely affected by noise impacts, nor would it prejudice the operation of existing commercial businesses in the vicinity.

2.4.6. Fife Council Planning Customer Guidelines on Garden Ground recommends that residential developments have a useable garden space of at least 50 m<sup>2</sup> per flatted dwelling. It is considered that given the proposal would result in a redundant building being brought back into use within a central location and would help bring people into the local shopping centre, as well as the fact there are numerous areas of nearby public open space including Forth View Meadow, Inverkeithing Community Garden and Ballast Bank Public Park, it would be reasonable in this instance to set aside this requirement. The proposal would therefore be considered acceptable in this regard.

2.4.7. In light of the above the proposal is considered acceptable in regard to residential amenity.

## **2.5 Transportation/Road Safety**

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

2.5.2. Letters of representation received for this application have raised concerns with regard to whether sufficient levels of off-street parking can be achieved. Furthermore, concerns were raised with regard to the increase in vehicular and pedestrian traffic levels.

2.5.3. The proposed block plan shows the provision of two off-street parking spaces located to the west of the site. These spaces would need to be accessed via an existing car park off of Roman Road which the applicant does not own, and it is unclear whether they have any third-party servitude right of access over. Fife Council's Transportation Development Management team were consulted on this application and have advised that the proposed 5 bedroom residential property would require the provision of 3 off-street parking spaces, in line with Fife Council's Making Fife's Places Appendix G. Furthermore, TDM have advised that the proposed two off-street parking spaces as indicated could not be provided, as this would require the removal of at least two spaces within the existing car park to the west, which as outlined is outwith the applicant's ownership. Moreover, due to the lack of suitable turning facilities or manoeuvring space, a driver would have to reverse a considerable distance either from or onto the public road through the existing car park when taking access to or egress from the proposed spaces. Furthermore, TDM advised that the proposed pedestrian route through the existing car park on Roman Road would also not be acceptable. TDM therefore have recommended the application for refusal. It is noted that TDM do not accept that two off-street parking spaces could be provided as part of this development. However, given that the site is located within a local shopping centre and therefore located in close proximity to sustainable modes of transport, as well as various amenities including shops, eateries, community facilities and the railway station, the proposed change of use would nevertheless be supported in the absence of an off-street parking facilities. The proposed development would therefore be considered acceptable in terms of road safety.

2.5.4. In light of the above, the proposal would have no significant detrimental impact on the existing levels of road safety and as such would be deemed to comply with the Adopted Fifeplan 2017 and Fife Council Transportation Development Guidelines.

## 3.0 Consultation Summary

---

|  |                           |
|--|---------------------------|
| Scottish Water   | No objections             |
| Transportation And Environmental Services -<br>Operations Team | No response               |
| TDM, Planning Services   | Application not supported |

## 4.0 Representation Summary

---

4.1 25 representations were received which were all objections.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

| Issue   | Addressed in Paragraph |
|---|------------------------|
| a. Loss of privacy to neighbouring properties               | 2.4.3.                 |
| b. Loss of daylight and sunlight to neighbouring properties | 2.4.4.                 |
| c. Increased noise levels                                   | 2.4.5.                 |
| d. Road Safety  | 2.5.3.                 |
| e. Impact on the High Street                                | 2.2.3.                 |

#### 4.2.2 Other Concerns Expressed

| Issue | Comment |
|-------|---------|
|-------|---------|

|   |   |
|---|---|
| a. Issues surrounding the licensing of other properties owned by the applicant. | This is a separate issue which does not relate to this application.   |
| b. Impact on value of neighbouring properties                                   | This is not a material planning consideration.  |
| c. Land / access ownership disputes   | This is not a material planning consideration but rather a separate civil matter.   |
| d. Safety/integrity of the building   | This is a separate issue which does not relate to this application.   |
| e. Loss of communal space used by 73A & 73B High Street                         | This is not a material planning consideration but rather a private legal matter   |
| f. Loss of view for neighbouring properties                                     | This is not a material planning consideration.  |
| g. Increase in anti-social behaviour  | Anti-social behaviour associated with any future occupants of the proposed dwellinghouse is not a material planning consideration |

## 5.0 Conclusions

---

Overall whilst it is accepted that the proposed development would result in a shortfall in off-street parking provision and garden ground, given that the proposal would bring more people to the area, thereby supporting the vitality and viability of Inverkeithing's Local Shopping Centre, as well as provide residential accommodation in any area consistent with 20 minute neighbourhoods and allow the sustainable reuse of a brownfield site and existing building, on balance it is considered that the proposal would be acceptable in meeting the terms of FIFEplan 2017 policies, other relevant national policy/guidance and Fife Council Customer Planning Guidance. The proposal is compatible with the area in terms of land use, design and scale. Furthermore, no significant impacts would arise in regard to existing levels of residential amenity, visual amenity or road safety. The application is therefore recommended for conditional approval.

## 6.0 Recommendation

---

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

### **CONDITIONS:**

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order) no development within Classes 1A, 1B, 1D, 2A, 2B, 3A, 3B, 3D and 3E shall be undertaken without the express prior consent of this Planning Authority.

Reason: In the interests of residential amenity

3. The residential unit provided on site shall be used solely as residences for (a) a single person or by people living together as a family; or, (b) not more than 5 unrelated residents living together in a dwellinghouse; or, (c) not more than 2 unrelated residents living together in a flat. For the avoidance of doubt, the residential unit hereby approved shall not be used for Housing in Multiple Occupation.

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

## 7.0 Background Papers

---

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

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

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

[Planning Guidance](#)

National Guidance:

PAN1/2011: Planning and Noise

Development Plan:

Adopted FIFEplan (2017)

Making Fife's Places Transportation Development Guidelines (2018)

National Planning Framework (2023)

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, Planner and Case Officer

Report reviewed and agreed by Derek Simpson Lead Officer 27.11.23

Committee Date: 06/12/2023

Agenda Item No. 10

---

**Application for Full Planning Permission**

**Ref: 23/02089/FULL**

**Site Address:** Babcock Marine Macmillan Building Castle Road

**Proposal:** Installation of 2no. Solar Photovoltaic Arrays (5.64MW combined) (Area A Frame Mounted 5.43MW, Area B Ground Mounted 0.21MW), with associated plant and infrastructure.

**Applicant:** Rosyth Royal Dockyard Ltd T/a Babcock International Group, Babcock International Group Rosyth Business Park

**Date Registered:** 29 August 2023

**Case Officer:** Bryan Reid

**Wards Affected:** W5R05: Rosyth

---

### **Reasons for Referral to Committee**

---

This application requires to be considered by the Committee because the application is for a Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009

### **Summary Recommendation**

---

The application is recommended for: Conditional Approval

---

## **1.0 Background**

---

### **1.1 The Site**

1.1.1 The proposal site is approximately 10.6ha in area, located on land within the Rosyth Dockyard/Business Park. The Dockyard is allocated in FIFEplan as a safeguarded employment area and includes a number of businesses, including Babcock. The application site is located between the Rosyth Royal Dockyard itself to the south, Ministry of Defence facilities (MOD) (MOD Caledonia) to the north and farmland to the northwest. The Firth of Forth, designated as a SSSI, SPA and Ramsar site, is located to the south. The most immediate buildings to the proposal is the Arrol Building, which houses Fife College campus at the Rosyth Business Park. A pole mounted electricity cabling runs east to west through the general region of the planning application site.

1.1.2 The site consists primarily of set-aside land containing establishing woodland. The proposed development would be split across two areas, described within the application as 'Area A' and 'Area B'. The site includes land identified as a green network asset within the Adopted FIFEplan (2017); ROSGN04 - Admiralty Green Network which stretches from the

woods at Windylaw Edge through the MOD land to Admiralty Heights. The remainder of the site is currently a disused car park. Access to both areas would be via existing access roads to Rosyth Dockyard from the A985 to the west and M90 to the east. Public access to the Babcock facility is restricted in the interests of security and public safety.

1.1.3 With regard to cultural assets, the Dockyard contains Rosyth Dockyard Power Station and Pumping Station (both B listed); these assets are not within the application site.

1.1.4 According to SEPA flood risk maps, there is a high risk (10% chance each year) of both surface water and coastal flooding at the Dockyard, however the application site lies outwith the coastal flood risk extents.

1.1.5 The site does not form part of any Local Landscape Area. The site is located within two Landscape Character Types (LCTs) as described in NatureScot's Landscape Character Assessment of Scotland (2019). The eastern part of the site falls within the LCT 196 Coastal Flats, with the western part within LCT 192 Coastal Hills. Both LCTs are characterised by their low-lying locations and coastal landscapes.

1.1.6 The application site, and surrounding land, is identified as being potentially contaminated due its former military land use (which included nuclear assets).

### 1.1.2 Location Plan



© Crown copyright and database right 2023. All rights reserved. Ordnance Survey Licence number 100023385.

## 1.2 The Proposed Development

1.2.1 The proposed development would comprise the installation of freestanding solar photovoltaic (PV) panels; 16 inverters to convert the current; a private substation; and a substation belonging to the District Network Operator (DNO). It is also proposed to install a service vehicle route and pedestrian/cycle path through the site. Additional works proposed include dismantling the current pole mounted electricity cabling and trunking the cabling underground. A large area of tree cover and vegetation would be removed to facilitate



development, however the proposal does incorporate landscape planting (including tree, hedgerow and wildflower meadow planting). Relatively minor land regrading works are proposed within Area B, with the panels within Area A following the existing topography of the land (rising from south to north). It is proposed to secure the site with 2m high security fencing constructed of wooden posts and stockproof wire mesh.

1.2.2 The proposed PV panels would have a combined output of 5.64MW (Area A = 5.43MW, Area B = 0.21MW). The PV panels proposed within Area A would be of frame mounted design, with those within Area B being ground mounted. The proposed frame mounted panels would be installed in a 2 (portrait) by 25 (wide) configuration at a 20-degree tilt due-south, with a total height of 2230mm. The ground mounted panels would be laid out as a flat ballasted system (total height of 315mm), with 500mm between each set of panels. The structures to house the solar panels will be assembled on-site. The proposed inverters would be sited within steel containers with a height of 3400mm and footprint of 7.4sqm. The proposed containers would be located centrally within the site and would replace an existing vacant service building which is to be demolished.

1.2.3 The applicant is seeking temporary permission for 40 years. At the end of life of the infrastructure, it is proposed that the site would be decommissioned and restored back to open ground, with the majority of materials removed from the site re-used or recycled.

1.2.4 Additional works proposed include the creation of pedestrian paths (gravel surface) through the site to form an 'interactive nature trail' with interpretation boards, and forming a 'picnic rest area'.

1.2.5 The application also includes a proposal for solar PV carports/canopies; identified as 'Area C'. Area C would comprise of 1,906 car port mounted solar panels generating 1.05MW of renewable energy primarily for electric vehicle charging over an existing car parking area. This part of the proposal is permitted development under Class 9M Part 2I of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order (As Amended), with Area C shown on the submitted plans for information only.

### **1.3 Relevant Planning History**

02/03313/WFULL - Erection of a car valet / inspection area - Approved - 10/01/03

22/00357/PAN - Proposal of Application Notice for proposed solar photovoltaic array installation (up to 6MW) with associated infrastructure - Approved - 10/02/22

23/00072/PAN - Proposal of Application Notice for proposed solar photovoltaic array installation (up to 6MW) with associated infrastructure (Resubmission of 22/00357/PAN) - Approved - 18/01/23

23/00443/SCR - Screening Opinion for proposed 4.8MW solar photovoltaic array installation – EIA Not Required - 08/03/23

23/01767/CLP - Certificate of Lawfulness (Proposed) for extension to manufacturing Bay 17 (including demolition) - Approved - 10/10/23

### **1.4 Application Procedures**

1.4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

1.4.2 The proposal falls within 'Class 9: Other Development' of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As application site is larger than

2ha, the proposal is categorised as a Major development. The applicant has carried out the required Pre- Application Consultation (PAC) through holding public information events (Ref: 23/00072/PAN). A PAC report outlining comments made by the public and the consideration of these in the design process of the proposal has been submitted as part of this application. Overall, the manner of public consultation was considered to be acceptable.

1.4.3 As the application site for the proposed development exceeds 0.5ha, per the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the proposed development is identified as a 'Schedule 2' development which required to be screened for EIA. The proposed development was screened by the Planning Authority (Ref: 23/00443/SCR), where it was concluded that an EIA was not required.

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 9: Brownfield, vacant and derelict land

and empty buildings

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

Policy 11: Energy

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20 minute neighbourhoods

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

#### Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

#### Policy 22: Flood risk and water management

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

#### Policy 23: Health and safety

To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

#### Policy 25: Community wealth building

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

#### Policy 26: Business and industry

To encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses

### **Adopted FIFEplan (2017)**

#### Policy 1: Development Principles

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

#### Policy 3: Infrastructure and Services

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

#### Policy 5: Employment Land and Property

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

#### Policy 10: Amenity

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

#### Policy 11: Low Carbon Fife

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

#### Policy 12: Flooding and the Water Environment

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

#### Policy 13: Natural Environment and Access

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

#### Policy 14: Built and Historic Environment

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

### **National Guidance and Legislation**

PAN 1/2011: Planning and Noise

PAN 51: Planning, Environmental Protection and Regulation (2006)

Scottish Government's Control of Woodland Removal Policy (2009)

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction

### **Supplementary Guidance**

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

- assessing low carbon energy applications
- demonstrating compliance with CO<sub>2</sub> emissions reduction targets and district heating requirements;
- requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

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

### **Planning Policy Guidance**

Trees and Development

Planning Policy Guidance: Development and Noise (2021)

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

## **2.0 Appropriate Assessment**

---

2.1 As a separate part of the consideration of the application, the Council has a duty as the determining authority to carry out an Appropriate Assessment of the proposals with specific regard to the impact that the development may have on the qualifying interests of Special Protection Areas (SPAs). In this regard it is noted that Firth of Forth comprises such an area and lies to the south of the site. The application has been supported by a Habitats Regulations Assessment (HRA) Screening Report.

2.2 The submitted HRA concludes that although there is the potential for disturbance/displacement impacts on qualifying SPA/Ramsar site bird species associated with the construction phase activities, no likely significant effects from the proposed development, either alone or in combination with other developments or projects are anticipated.

2.3 NatureScot, in their consultation response to Fife Council, have not raised any concerns regarding potential adverse impacts on the SPA site's integrity, subject to appropriate mitigation measures detailed in the application being secured. Having appraised the submitted information and taking cognisance of the comments of NatureScot, it is concluded by the Planning Authority that the development would not compromise the integrity of the SPA site.

## **3.0 Assessment**

---

### **3.1 Relevant Matters**

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

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

### **3.2 Principle of Development**

3.2.1 NPF4 (2023) Policies 1, 2, 3, 11, 25 and 26, FIFEplan (2017) Policies 1, 3, 5, 11 and 13, Making Fife's Places Supplementary Guidance (2017) and Low Carbon Supplementary Guidance (2019) shall be considered in the assessment of the principle of development.

3.2.2 It is accepted by the Planning Authority that renewable technologies including battery storage and solar PV panels are consistent with broader low carbon objectives, including the recently approved 'Climate Fife Strategy'. Given the drive towards a low carbon economy, the Planning Authority is generally supportive of the proposed development, however further consideration of the principle of the specific land uses for each part of the proposal must be considered.

3.2.3 As directed by Policy 11 of NPF4, as a proposal for renewable energy generation, the contribution the proposed development can make towards the renewable energy generation targets and greenhouse gas emissions reduction targets shall be given significant weight when considering the principle of development. Policy 11 of NPF4 also sets out 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. The policy further states that project design and mitigation will demonstrate how various material impacts are addressed; such impacts shall be considered within the proceeding sections of this report.

3.2.4 The applicant has submitted a Planning Statement which explains the rationale for the proposed development. It is advised that the proposed solar array is required to assist Babcock in meeting its aspirations towards becoming a net-zero carbon operation, by ensuring significant reductions in greenhouse gas emissions. This has environmental benefits with respect to the current climate emergency considerations, and business benefits for the company in enhancing surety of supply by reducing its reliance on the National Grid for its electricity supply, and through reducing its electricity costs by generating its own power on-site. Those business benefits would also increase job security in the local employment market. Additionally, the proposed development would assist Babcock in shifting towards a fleet of electric vehicles. The

proposed development would also provide a valuable inward investment opportunity for the local community's economy by providing local job opportunities during construction and decommissioning, either directly or down the supply chain. The Planning Statement also details that solar PV arrays were identified as the best low carbon technology to satisfy energy demands currently following a feasibility study. This is due to the maturity of these technologies and their capacity for energy generation as Babcock's Rosyth facility is an energy intensive site, requiring large capacity solutions. Due to the energy requirements of the Babcock facility, it is proposed for all of the energy generated by the development to be utilised by Babcock rather than exporting to the National Grid and/or neighbouring businesses or communities. In principle, the proposed development is considered to comply with Policies 1, 2 and 11 of NPF4, as well as Policy 11 of FIFEplan and the Low Carbon Fife Supplementary Guidance. The renewable energy contribution shall be given significant weight in considering the overall principle of the development.

3.2.5 The proposed development would be located within the Babcock facility within the Rosyth Dockyard/Business Park. The Dockyard forms part of the defined settlement boundary of Rosyth (per FIFEplan) and is allocated in FIFEplan as a safeguarded employment area. The application site includes land within the identified safeguarded employment area, as well as land identified as a green network asset (ROSGN04).

3.2.6 Area A within the application site is identified in FIFEplan as a Green Network Asset, contained within the Admiralty Green Network Policy Area (ROSGN04), however there is no mention of the proposed area in terms of opportunities for enhancement. FIFEplan sets out that Green Network Assets should be protected. Given its sloping nature and planting density, this area of land has little physical recreational value, however it is considered to have some visual amenity value which enhances the setting of the dockyard. Whilst the proposed solar array development is in line with the country's aim of planning supporting transformational change to a low carbon economy, in line with the Development Plan, the Planning Authority would only support development of the Green Network Asset providing new green infrastructure is proposed to link into the Green Network and where the application results in biodiversity enhancement. The impact on the Green Network and biodiversity enhancement proposals shall be considered in full later in this report, however it is considered in principle, giving weight to the renewable energy contribution, that there is scope for solar PV panels to be sited within the Green Network providing it is suitably protected and/or enhanced.

3.2.7 With regard to the solar PV panels proposed for Area B, it is noted that this area forms part of the Rosyth Dockyard Safeguarded Employment Area within FIFEplan. Policy 26 of NPF4 and Policy 5 of FIFEplan are therefore relevant. The mentioned Development Plan policies do not give specific consideration to the type of development proposed, however as the proposed solar PV panels would provide a renewable source of electricity for Babcock (a large employer in the safeguarded employment area), and as no buildings or active parking spaces would be lost, it is considered that the proposed development within the safeguarded employment area would be acceptable in general land use terms. Whilst this hardstanding area also forms part of the identified Green Network Policy Area, given the hardstanding and use of the area as car parking, it is considered that this part of the proposal would not lead to a significant impact on the Green Network Policy Area.

3.2.8 In conclusion, it is considered that the proposed renewable energy development would be acceptable in principle in this location. The principle of the solar PV facility therefore accords with the provisions of the Development Plan. The proposal would also operate for a temporary period and a condition has been attached to this recommendation requiring that on expiry of the temporary period, the development 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 in the following sections of this report.

### 3.3 Design And Layout / Visual Impact

3.3.1 NPF4 (2023) Policies 4, 11, 14 and 20, FIFEplan Policies 1, 10, 11, 13 and 14, Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), The Landscape Institute and Institute for Environmental Management and Assessment's Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013) and NatureScot's Landscape Character Assessment of Scotland (2019) apply with consideration of the design and visual impact of the proposed development.

3.3.2 The site includes land identified as a green network asset within the Adopted FIFEplan (2017); ROSGN04 - Admiralty Green Network. The site does not form part of any Local Landscape Area. The site is located within two Landscape Character Types (LCTs) as described in NatureScot's Landscape Character Assessment of Scotland (2019). The eastern part of the site falls within the LCT 196 Coastal Flats, with the western part within LCT 192 Coastal Hills. Both LCTs are characterised by their low-lying locations and coastal landscape. It is considered by the Planning Authority that the application site, despite its designation as a green network area, currently has a limited visual amenity value given its overgrown and generally unkempt appearance, existing primarily as backdrop of the dockyard setting; the lack of access to the site is also considered to diminish its amenity value. Furthermore, as the majority of buildings within the western part of the dockyard are oriented to outlook southwards and as open views of the application site are largely restricted from roads/footpaths within the Babcock facility (given the number of large buildings), it is considered by the Planning Authority that the green network asset provides a limited visual benefit for employees at Babcock.

3.3.3 Information relating to the visual impact on the local area has been submitted with the planning application, including photomontages and visualisations of how the development would look once developed. The applicant has produced a landscape and visual impact assessment (LVIA) which includes a 2km zone of theoretical visibility (ZTV) and photos taken from five viewpoints; the viewpoints were discussed with and agreed by the Planning Authority prior to submission of the application. The viewpoints demonstrate how the proposal would sit within the site and the surrounding landscape and demonstrate that views of the site would be very localised. The five viewpoints identified to illustrate the potential visual impacts of the development are as follows:

1. Castle Road Roundabout – 0.03km east of site
2. Intersection of Forbes and Hilton Roads, and NCN Route 76 – 0.04km north of site
3. Fife Coastal Path Core Path and NCN Route 76 – 0.17km west of site
4. Barham Road and NCN Route 76 – 0.40km south east of site
5. Fife Pilgrim Way long distance trail – 1.26km east of site

3.3.4 Considering the potential impacts on the two identified LCTs, the LVIA asserts that the proposed development would not alter the existing key characteristics within either LCT unit; although, it would change the extent of trees and shrubs within the Admiralty Green Network Asset. Nevertheless, the LVIA considers that mitigation planting would reinstate some of the vegetation lost and soften views to the site, with the proposed hedgerow planting, scattered trees and grassland in-keeping with vegetation existing on site and planting within the LCTs, reinforcing the character of the areas. The LVIA predicts that small scale adverse effects would arise from the proposed development in the short and medium term before planting matures, with effects in the long-term reducing in extent and scale as mitigation planting matures. With only scattered visibility of the proposed development expected, with views limited to the site itself and its immediate surrounds given the expanse of existing development within the dockland and surrounding landform, the LVIA considers that the proposal would not appear out of place within the surrounding industrial setting, whilst also not impacting of views of the Firth of Forth. The LVIA concludes that whilst short term and long-term localised effects on LCTs

would occur, the magnitude of change to the LCTs would be 'slight' with the significance of effects being 'minor'.

3.3.5 The assessment of effects on views was informed by an assessment of potential effects on principal visual receptors in the study area, incorporating effects on views from public spaces and key movement routes (including roads, cyclepaths and core paths for example). Effects on private residential properties were scoped out of the assessment as it was considered that the proposed development would not give rise to effects meeting the relevant thresholds detailed within guidance. The effects on views from key transport routes within the 2km ZTV, namely the Fife Circle Railway Line, the A985/ Admiralty Road, B980, B981 and B9156 road, were considered to be negligible, with negligible effects similarly predicted on views from the Queensferry Crossing and Forth Road Bridge given the distances from the site and duration of available views from fast moving vehicles. The LVIA sets out that the development would affect views from key movements routes - the Fife Coastal Path, Pilgrims Way and National Cycle Route. Nevertheless, as the development would only be visible in part for short stretches of these routes and would be read within the existing industrial context, it is concluded that the visual impact would not be significant on these routes. Additionally, the LVIA considers the impacts of the development on key visual receptor groups, including employees of the Port of Rosyth and Rosyth Business Park, recreational users of coastal spaces between the Port of Rosyth and the Queensferry Crossing, and travellers on Caledonia Way and users of the Fife Coastal Path Core Path and NCN Route 76, concluding that the effect to each group would be slight to negligible in magnitude, with no significantly adverse effects arising in the long-term given the limited views that will be available of the development and the existing industrial context of the immediate surroundings.

3.3.6. The LVIA also assess the impact of the proposed development on the setting of the Forth Rail Bridge World Heritage Site. The Forth Bridge World Heritage Site: Key Viewpoints document (contained within Making Fife's Places) identifies and defines ten key views that are important to ensure the setting of the rail bridge, as a World Heritage Site (WHS), is adequately protected. The ZTV shows there is potential visibility of the proposed development from the rail bridge at approximately 3km, however as this is beyond the 2km study area it is considered that no adverse impacts would occur. It is also noted by the Planning Authority that any views of the site from the bridge would be from moving trains and would thus be fleeting, with it also considered that the proposed development would be visually contained within the existing dockland setting. Of the ten key WHS viewpoints, one, at Castlandhill, was identified within the 2km study area. It is noted that the Castlandhill viewpoint is at a similar location to Viewpoint 5, approximately 1.5km east of the site. As the Castlandhill viewpoint provides long views towards the rail bridge to the southeast, in the opposite direction to the site, it is argued within the LVIA that the effects of the proposed development on the key viewpoint, and by extension the setting of the WHS, would be negligible. The assessment and conclusions of the potential impacts on the WHS are considered to be reasonable and it is agreed by the Planning Authority that the proposed development would not have an adverse impact on the setting of the WHS.

3.3.7 No cumulative effects on landscape character or views are anticipated and it is considered that the landscape can accommodate the proposed development. The LVIA suggests that, to further limit close proximity views, mitigation or enhancement measures could be included, such as hedgerows and tree planting to help soften views of the solar panels and reinstate some vegetation which would be lost.

3.3.8 Fife Council concurs with the findings and conclusions of the LVIA and considers that the scale of the proposal is such that significant changes to the landscape and views as a result of the development would be limited to a localised area. Even at this localised level, noting the somewhat limited visual amenity value of the application site, the new industrial elements that the proposed development would introduce to the site would read in the same visual context as



the existing industrial setting and therefore visual integration of the proposed development will readily be achieved.

3.3.9 In this instance, it is considered that the applicant has demonstrated through the siting of the development and the submitted LVIA that the expected landscape impacts of the proposed development are modest, and any localised impacts will be appropriately and successfully mitigated by carrying out improvements to existing landscape screening. The Development Plan framework indicates 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 this development to be in close proximity to the existing Babcock facility in order for it to contribute to efficient green energy supply, it is therefore considered that any localised impact on the landscape, as described above, can be accepted. 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. A condition is however recommended to secure the proposed mitigation planting.

3.3.10 In conclusion, it is considered that the design and visual impact of the proposed development would be acceptable, not giving rise to any significantly adverse impacts, thus complying with the aforementioned Development Plan policies and relevant guidance documents.

### **3.4 Residential Amenity**

3.4.1 NPF4 (2023) Policies 11, 14 and 23, FIFEplan (2017) Policies 1, 10 and 11, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance (2019) and Fife Council Policy for Development and Noise (2021), apply in terms of residential amenity.

3.4.2 The application site is contained within the Rosyth Dockyard. The proposed solar PV panels and associated infrastructure would primarily be surrounded by active industrial businesses, however there are a number of noise sensitive receptors (NSRs) within the vicinity including MOD Caledonia; this facility provides accommodation for the Royal Navy; offices, Fife College, and a number of individual residential properties scattered around the proximity of the Dockyard. The proposed solar arrays would be stationary and therefore would not include moving parts that generate noise however it is recognised that noise shall be produced from the cooling fans of the inverters required onsite. There is also potential for noise impact concerns to be raised during the construction period. The application is supported by a Noise Impact Assessment (NIA) which examines and predicted noise impacts of the development on the nearest NSRs.

3.4.3 The NIA used informed data to predict the noise which would be produced during the construction phase and by the invertors once the site is operational. The data sets and assumptions used, and predictions made, are considered to be reasonable by the Planning Authority. The NIA also makes use of appropriate character corrections (i.e. tonality, impulsivity and intermittency) to provide a rated noise level for the noise produced by the inverters, concluding that the proposed development would not give rise any significantly adverse noise impacts for NSRs. The conclusions within the NIA are concurred with by the Planning Authority and is therefore considered that the proposed development would be consistent with relevant guidance documents and the Policies of the Development Plan with regard to noise impacts. Nevertheless, a condition is recommended requiring that a Construction Environmental Management Plan (CEMP) be submitted for approval before works commence on the proposed development. The 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, including protecting air quality through the control of dust.

3.4.4 The proposed solar array panels would be stationary, designed and situated to face in a southward direction. Whilst the application has not been supported by a glint and glare assessment, the Planning Authority is satisfied that any glint and glare produced by the panels would not lead to any adverse impacts as there are no residential properties within Fife to the south of the application site (or indeed any properties with a direct view of the panels), with any properties on the southern banks of the Firth of Forth considered to be suitably distant.

3.4.5 In conclusion, it is considered by the Planning Authority that the proposed development would not give rise to adverse residential amenity concerns. The proposed development is thus deemed to be acceptable with regard to residential amenity considerations, complying with Policies 11, 14 and of NPF4 (2023) and Policies 1, 10 and 11 of FIFEplan (2017).

### **3.5 Transportation/Road Safety**

3.5.1 NPF4 (2023) Policies 1, 2, 13, 14 and 15, FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

3.5.2 With the exception of maintenance, which could potentially be dealt with by permanent members of staff employed at Babcock, the proposed renewable energy development would not generate any additional parking requirements at the Babcock site once in place. It is recognised however the Area B is currently a hardstanding area, the use of which for car parking would be lost once the proposed development is in place. The loss of this area, and the transportation impacts associated with the construction and decommissioning phases must be considered.

3.5.3 The application is supported by a Transport Statement (TS) which examines the predicted impacts on the road network during the construction phase of the development. The TS sets out that, depending on their original source, materials and components would either arrive at the site from the west via the A985 and site entrance 1 or the east via the M90, Milne Road and then site entrance 3. Construction movements are predicted to be standard HGV traffic, which is considered to be typical of the wider employment area. The TS concludes the largest percentage increase in total traffic would be on the A985 with 0.42%, with the largest percentage increase in HGV flows being 0.88% on the A985. The percentage increase in traffic on the roads is not considered to be significant. The TS advises that a number of traffic management measures would be available to mitigate the impact of construction traffic during the relatively short construction period and these could be adequately secured via a Construction Traffic Management Plan (CTMP).

3.5.4 The application has been reviewed by the Council's Transportation Development Management (TDM) Officers who advised that they have no concerns regarding the anticipated traffic movements to/from the site during the construction phase, with the surrounding road network having more than sufficient capacity to accommodate the trips. A condition has been recommended by TDM to secure the CTMP recommended by within the TS. This condition has been included in the recommendation. Regarding the siting of the solar PV panels in Area B, TDM advised that they have no objections with the loss of this car park as any potential shortfall in parking would only cause internal issues within the dockyard complex and not impact on any public roads.

3.5.5 Although permitted development, TDM advised that they welcomed the inclusion of the proposed solar canopy to power the new EV charging points within the car park.

3.5.6 The proposed development would, therefore, have no significant impact on the site or surrounding area in terms of transportation and road safety and would comply with the Development Plan in this respect.

### **3.6 Flooding And Drainage**

3.6.1 NPF4 (2023) Policy 22, FIFEplan (2017) Policies 1, 3 and 12, the Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to flood risk and drainage infrastructure.

3.6.2 According to SEPA flood risk maps, there is a high risk (10% chance each year) of both surface water and coastal flooding at the Dockyard, however the application site lies outwith the coastal flood risk extents. Fife Council have no records of incidents of flooding on this site. Runoff currently drains to the Firth of Forth either directly or as part of the existing Port of Rosyth drainage system.

3.6.3 The proposed development comprises the construction of raised solar PV panel systems which will not result in an increase in impermeable area beneath the solar panels in development Areas A or B. As the panels shall be raised and angled, they shall allow for surface water to run off the panels flow beneath the panels. Inverters at Areas B will be positioned on existing hardstanding and the inverter at Area A will be installed on a 7sqm concrete base. The application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy. The FRA considers flood risk associated with fluvial, pluvial, groundwater, coastal and other types of flood risks and demonstrates how surface water will be controlled to ensure there are no negative impacts on any receptor. The FRA concludes that the proposed development is not at risk of fluvial, pluvial, groundwater, coastal and other types of flood risks (giving regard to future climate change projections). The Drainage Strategy confirms that the Rosyth Dockyard and Business Park is served by an existing surface water drainage system. It is proposed that development would drain into this drainage system, with exception of the eastern area of Area B which would drain into an existing Fife Council stormwater drain on North Esk Road. The Drainage Strategy concludes that that there would be no adverse increase in surface water runoff as a consequence of the development, with the existing drainage systems able to accommodate the proposed development.

3.6.4 The submitted Drainage Strategy was reviewed by the Council's Structural Services (Flooding, Shoreline & Harbours) Officers who confirmed that they had no objections to the proposals. Giving regard to the comments provided by Structural Services Officers, it is considered that proposed drainage arrangements would be acceptable. A condition is however recommended to ensure that the drainage infrastructure is secured.

3.6.5 In conclusion, the proposed development would be acceptable with regard to flooding and drainage considerations, complying with the relevant policies of the Development Plan and related guidance documents.

### **3.7 Contaminated Land And Air Quality**

3.7.1 NPF4 (2023) Policies 9 and 23, FIFEplan (2017) Policies 1 and 10, PAN 33: Development of Contaminated Land (2000) and PAN 51: Planning, Environmental Protection and Regulation (2006) apply.

3.7.2 The entirety of the Babcock site (and a large expanse of land beyond) is identified as being potentially contaminated given the former military land use (which included nuclear assets). The application has been supported by a Phase 1 Contaminated Land Assessment. The Phase 1 Assessment sets out that potentially completed pollutant linkages have been highlighted, with a Phase 2 Geo-Environmental Site Investigation recommended to obtain soil samples and install monitoring points before any development takes place.

3.7.3 The submitted Phase 1 Assessment was reviewed by the Council's Land and Air Quality Officers who advised that they did not have any concerns with the methodology, findings or conclusions of the assessment, noting the recommendation for further investigations to be carried out. In accordance with the Phase 1 Assessment, Land and Air Quality Officers have recommended conditions be included in any approval to secure site investigations and any necessary remedial work. An additional condition is also recommended to address any unexpected contamination which may be encountered. These conditions have been included in the recommendation.

3.7.4 Given the potential to encounter radioactive/nuclear material at the site, SEPA were also consulted on this application. Having reviewed historic records and the supporting information provided by the applicant, SEPA concluded that the possibility of encountering radioactive material would be low, however advised that given the references within the Phase 1 Assessment that there remains a possibility that radiological contamination may form a potential hazard on the site, SEPA recommended that it would be prudent to use the findings of the intended studies to guide the need for a radiological walkover survey for the development. It is considered that the conditions recommended by the Council's Land and Air Quality Officer sufficiently covers this. SEPA also sought confirmation that the application site was secured to prevent access to the general public during development operations. In response to this concern, the Planning Authority can confirm that the application site is currently and will continue to be secured, with access prohibited to the general public.

3.7.5 Whilst there would be some emissions associated with vehicles and equipment during the site clearance, construction and decommissioning phases, such impacts would be negligible, and given the nature of the solar PV array proposal, it is ultimately considered by the Planning Authority that an air quality impact assessment is not necessary to support this application. Indeed, over the lifetime of the development, the proposed solar PV panels would assist in facilitating the reduced dependence on fossil fuels, ultimately improving air quality. The Council's Land and Air Quality Officers did not raise any concerns regarding air quality impacts.

3.7.6 In conclusion, whilst the site potentially subject to contamination, planning conditions could be used to make sure the site conditions are investigated, and remediation measures put in place, to ensure the site is developed safely. Additionally, the proposed development would not give rise to adverse air quality concerns. The proposed development is therefore considered to comply with the Development Plan and associated guidance and is thus acceptable with regard to land and air quality considerations.

### **3.8 Natural Heritage And Trees**

3.8.1 NPF4 (2023) Policies 1, 2, 3, 4, 6, 11 and 20, Scottish Government's Control of Woodland Removal Policy (2009), Policies 1, 10 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended), Wildlife and Natural Environment (Scotland) Act (2011) and Nature Conservation Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection.

3.8.2 The application site is identified as a green network asset within the Adopted FIFEplan (2017); ROSGN04 - Admiralty Green Network which stretches from the woods at Windylaw Edge through the MOD land to Admiralty Heights. FIFEplan does not mention any opportunities for enhancement for green network. The area currently comprises scrub, neutral grassland, broadleaved woodland and hedgerows. The disused car park which is also located within the

site boundary is not considered to have any ecological interest. The Firth of Forth, located to the south of the site, is designated as a SSSI, SPA and Ramsar site.

3.8.3 The application is supported by Preliminary Ecological Appraisal Report (PEA), Ecological Impact Assessment (EclA) and Biodiversity Net Gain (BNG) Report, a landscape masterplan, and an Arboricultural Planning Report.

3.8.4 The PEA identifies the ecological baseline of the site through a background data search and a habitat survey with an assessment for protected species. The site was assessed for its ability to support protected species including great crested newts, reptiles, birds, bats, badgers and other species of principal importance. The site and surroundings were surveyed for invasive non-native species (INNS). Consideration is also given to national statutory designated sites and ancient woodlands within proximity of the site. The site was found to contain only common plant species, with a generally low value for biodiversity and in poor condition. The PEA identified that the application site could provide a habitat for a range of birds of conservation concern and bats, with a limited potential to support pine marten and hedgehogs. The site could also provide a habitat for badgers, however no evidence of badgers was noted during the survey. Several large stands of Giant Hogweed (an INNS) were identified within the woodland to the west of the site and the scrub habitats in the centre of the site. The PEA sets out mitigation measures to remove INNS and to protect the recorded and potential species during site clearance and construction works (including recommending further surveys where relevant). The report also identifies potential opportunities for biodiversity enhancement on the site including landscaping, installation of nest/roost boxes and creation of log piles. The PEA recommends that a biodiversity impact assessment be undertaken in accordance with Development Plan policy requires for development proposals to demonstrate biodiversity net gain. Upon review of the PEA, the Council's Natural Heritage Officer did not raise any concerns regarding the methodology, findings or recommendations of the report, recommending the mitigation measures be secured. In accordance with the recommendations of the PEA and Natural Heritage Officer, conditions have been included as part of the recommendation to secure relevant mitigation measures and surveys.

3.8.5 The submitted EclA and BNG Report, informed by the PEA, assess the ecological impacts of the development of the site on the habitats and species present and upon the surrounding area. In addition, the report also addresses BNG, and thus compares the baseline biodiversity prior to development with the post-development biodiversity and makes recommendations for enhancement measures. The main impacts associated with the development is the construction phase and the removal of habitat in order to install solar panels; this would however remove the giant hogweed within the site. The works are predicted to have a negligible indirect effect upon the Firth of Forth SPA, Ramsar and SSSI as the habitats associated with those protected sites are not found on site, and the protected sites are not connected to the development site by any habitat corridors. Once operational, it is identified that the development may cause visual disturbance to the qualifying species of the Firth of Forth SPA and Ramsar site due to the addition of a large area of solar panels. However, as the development is screened from the SPA and Ramsar by a large industrial site and little of the area is visible from the estuary it is therefore considered that there would be no significant visual effects. The EclA concludes that there would not be any significant effects on the designated sites during either the construction phase or operational phase. The BNG exercise uses the SSE Renewables Biodiversity Project Toolkit (v3 of the SSE Metric), supplemented, where needed by use of the Defra/Natural England Metric guidance. The biodiversity baseline of the site is calculated to be a total of 31.72 area units and 0.20 hedgerow units. Informed by the proposed landscape masterplan, the BNG calculation predicts that the proposed development would result in a total of 70.62 biodiversity area units and 5.68 hedgerow biodiversity units; positive gain of + 38.90 biodiversity area units and + 5.48 terrestrial linear biodiversity units. The conclusions of the EclA and BNG assessment are considered to be reasonable by the NatureScot and the Council's Natural Heritage Officer, with both recommending that the planting and mitigation measures proposed within the landscape masterplan be secured to ensure the biodiversity of the site is suitably

enhanced. A condition is included in the recommendation to secure the proposed planting and mitigation measures take place in full.

3.8.6 Turning to impacts on trees, it is recognised that the site not affected by Conservation Areas, Tree Protection Orders, or any other relevant legal protections of trees. Further, this site does not include any woodland listed as ancient or plantation on ancient woodland. Nevertheless, the trees on site are considered to have visual and environmental benefits (including carbon storage). The application is supported by Arboricultural Planning Report. Approximately 0.25ha of a Category B group of trees, 20 individual Category B trees, 3.07ha of Category C tree groups (including two groups of trees measuring 1.3ha and 1.1ha respectively), 43 individual Category C trees, and 7 individual Category U trees, would be felled to facilitate the proposed development. In consultation with the Council's Tree Officer, it is considered that a high number of Category B trees would be lost. Additionally, it is noted by the Tree Officer that the proposed loss of Category C groups which sit entirely within the footprint of the development (G3, G4, G6, G7, G9) and groups which would lose a significant percentage of their tree cover (G5 and G24) would cause a negative impact to the area. A tree protection plan is provided detailing root protection areas in relation to proposed works, and where protective fencing should be erected. This plan is considered to be appropriate and a condition is recommended to ensure the protective fencing is in place throughout the site clearance and construction works.

3.8.7 According to the Scotland Woodland Removal Policy, woodland removal, with compensatory planting, is most likely to be appropriate "where it would contribute significantly to... helping Scotland mitigate and adapt to climate change". This is consistent with relevant policies within the Development Plan. The creation of solar panel sites is considered to fulfil the criteria of essential infrastructure and assisting to mitigate and adapt to climate change. As per Policy 11 of NPF4, the contribution of the proposed development would make to renewable energy targets must be given significant weight. Nevertheless, it is recognised that there is the potential for a creating large environmental loss on the site given the value of trees, the ecosystem services they provide and the carbon they sequester. In accordance with the Development Plan and Scotland Woodland Removal Policy, and as recommended by the Council's Trees Officer and Scottish Forestry, it is considered that mitigatory planting should be provided by the applicant to adequately compensate for woodland removal on the application site. In their consultation response to the application, Scottish Forestry provided advice on securing and calculating compensatory planting proposals.

3.8.8 At the request of the Planning Authority for compensatory planting to be carried out, the applicant examined the suitability of land within the Rosyth Business Park, and in their control, to judge if suitable compensatory planting could be provided and where; giving consideration to existing operational limitations and future development proposals. The combined areas suitable for low level planting, new woodland planting and for existing vegetation enhancement amounts to 2.04ha. As noted by the Trees Officer, the type of trees to be planted have not been confirmed. Whilst the compensatory planting proposals are less than the total area of trees which are to be felled, giving significant weight to the contribution of the proposed development would make to renewable energy targets, and giving regard to proposed biodiversity net gain (discussed above), it is ultimately considered by the Planning Authority that the proposed compensatory planting would be acceptable. Conditions are included in the recommendation for the landscape masterplan submitted with the application to be finalised (to confirm number and types of individual species and trees to be planted), to secure the on-site planting proposals, and to secure a maintenance plan. It is noted that some areas of the proposed woodland planting are located outwith the application red line boundary, however, as the applicant owns/control all of the land, the Planning Authority is satisfied that recommended negatively worded (Grampian) condition is sufficient to secure the compensatory planting.

3.8.9 In conclusion, the proposed development would not adversely impact on any protected species, with suitable landscaping and biodiversity enhancement measures identified. Conditions are included to secure the proposed landscaping, enhancement measures and tree protection measures. Overall, it is considered that the proposed development would be

acceptable with regard to natural heritage considerations within NPF4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

### 3.9 Decommissioning of the Proposal

3.9.1 NPF4 (2023) Policies 1, 2, 11 and 14, FIFEplan (2017) Policies 1, 10, 11 and 14, Making Fife's Places Supplementary Guidance (2018) and Low Carbon Fife Supplementary Guidance (2019) apply when considering the lifespan and decommissioning of the proposed development.

3.9.2 The Planning Statement submitted by the applicant indicates that the proposed development would operate for a temporary period of 40 years, after which it would be decommissioned. The land would then be reinstated to open ground. It is advised that on decommissioning, the majority of materials would be removed from the site could be re-used or recycled.

3.9.3 A condition has been attached to this recommendation requiring that on expiry of the temporary period (40 years), the solar PV 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 proposed development, subject to this condition would therefore be acceptable and would comply with the Development Plan in this respect.

## 4.0 Consultation Summary

---

|  |   |
|--|---|
| Scottish Water                         | No objections.  |
| Forestry Commission                    | Compensatory planting required where permanent removal of woodland is proposed.   |
| The Woodland Trust Scotland            | No comment.   |
| Scottish Environment Protection Agency | No objections. Recommended that potential for encountering nuclear deposits be fully investigated and site be secured from public.            |
| NatureScot                             | Proposed habitat improvements welcomed. Recommended that planning condition be used to secure planting and biodiversity enhancement measures. |
| NATS Air Traffic Services              | No objections.  |
| Ministry Of Defence (Statutory)        | No objections.  |
| Directorate Of Airspace Policy         | No comment.   |
| Highlands And Islands Airports Ltd     | No objections.  |
| Edinburgh Airport                      | No objections.  |

|  |   |
|--|---|
| Tayside Aviation Ltd                                   | No comment.   |
| Land And Air Quality, Protective Services              | No objections. Conditions recommended to ensure site is safely development and any contamination is remediated.   |
| Structural Services - Flooding, Shoreline And Harbours | No objections.  |
| Natural Heritage, Planning Services                    | No objections. Recommended that proposed planting and biodiversity enhancement measures be secured.   |
| Trees, Planning Services                               | Compensatory planting required to replace woodland to be lost. Confirmation of species of planting requires to be confirmed. No objection to tree protection proposals. |
| TDM, Planning Services                                 | No objections. Condition recommended for construction traffic management plan to be submitted.  |
| Urban Design, Planning Services                        | No objections. Considered that the development would present localised/limited visual impacts which are not of significance within the wider industrial landscape.      |

## 5.0 Representation Summary

---

No representations from the public were received.

## 6.0 Conclusions

---

The principle of this development within the existing Babcock Rosyth complex is considered acceptable in meeting the terms of the Development Plan and national guidance. Approval of the development would assist a local employer to reduce its electricity costs by generating its own power on-site and would result in a significant step towards Babcock's global plan to achieve net-zero emissions by ensuring significant reductions in greenhouse gas emissions. The development can be carried out without unacceptable impacts on residential amenity, and no road safety concerns are raised by the development. There are no significant visual impact concerns to address, nor any concern that there will be a material change to how the industrial



port setting is perceived in the landscape, arising from an approval of this application. By securing appropriate biodiversity enhancement and compensatory tree planting, the proposed development is considered to be acceptable with regard to natural heritage impacts.

## 7.0 Recommendation

---

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

### **PRE-COMMENCEMENT CONDITIONS:**

2. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the planning authority. FOR THE AVOIDANCE OF DOUBT, the Preliminary Risk Assessment shall assess the potential to encounter radioactive/nuclear material. 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](http://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.

5. BEFORE ANY WORKS START ON SITE; a Construction Environmental Management Plan ('CEMP') (comprising a Construction Method Statement, a Management Plan, 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. FOR THE AVOIDANCE OF DOUBT, 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" shall be consulted. All construction works shall then be carried out in full accordance with the approved details.

Reason: In the interests of safeguarding amenity

10. 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 from the energisation of the development, whichever is the sooner.

FOR THE AVOIDANCE OF DOUBT, the scheme of landscaping shall include compensatory woodland tree planting and shall reflect the landscaping and planting proposals as shown in the approved Stephenson Halliday Landscape Plan (R5) (Planning Authority drawing ref. 23A) (and shall include the proposed 'woodland edge mix planting') unless otherwise agreed in writing by the Planning Authority.

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

11. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. This scheme shall specify that any plants which are dead, damaged, missing, diseased or fail to establish within 5 years of the date of planting shall be replaced annually. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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.

15. BEFORE ANY WORKS START ON SITE, the tree protection measures identified within approved ADAS 'Arboricultural Planning Statement' (Planning Authority ref. 19) shall be carried out in full. 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 construction process 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 neighbouring trees during development operations.

16. BEFORE ANY WORKS START ON SITE, a management plan for the treatment, removal and future monitoring of the giant hogweed on the site shall be submitted for the prior written approval of Fife Council as Planning Authority. Thereafter, the measures identified in the approved Management Plan shall be implemented in full.

Reason: In the interests of controlling an invasive species.

17. BEFORE ANY WORKS START ON SITE, the application site (and suitable buffer zone) shall be investigated for presence of badgers. A report of the investigations (prepared by a suitably qualified professional), which shall specify suitable mitigation measures in the event evidence of badgers is identified, shall be submitted for the written approval of Fife Council as Planning Authority. Where the report recommends that the mitigation measures shall be required, such measures shall be carried out in full at the period in the development specified within the report.

Reason: In the interests of protecting badgers and their setts.

18. BEFORE ANY WORKS START ON SITE, bat activity surveys and static detector surveys shall be undertaken each month through the active season (April-October) to identify the potential species and numbers of bats using the site for foraging and commuting. A report of the investigations (prepared by a suitably qualified professional), which shall specify suitable mitigation measures if required, shall be submitted for the written approval of Fife Council as

Planning Authority. Where the report recommends that the mitigation measures shall be required, such measures shall be carried out in full at the period in the development specified within the report.

Reason: In the interests of protecting foraging and commuting bats.

19. BEFORE ANY SITE CLEARANCE WORKS TAKE PLACE, trees which are to be felled or have branches lopped which are identified as having suitable features to provide a habitat for bats (as determined by a qualified professional) shall be inspected for the potential to support roosting bats. If features are found to have low potential, the tree can be felled under precautionary measures. If a feature is identified as having moderate or high potential for roosting bats then further surveys shall be carried out by a qualified professional, with a report of findings and recommended mitigation measures submitted for the written approval of Fife Council as Planning Authority before any of moderate or high potential trees are felled or lopped. In the event an active bat roost is discovered, the identified tree shall not be felled or lopped until an appropriate license has been granted.

Reason: In the interests of protecting bats and their roosts.

21. BEFORE ANY WORKS START ON SITE, a Construction Traffic Management Plan (CTMP) shall be submitted for approval by Fife Council as Planning Authority. Once approved, the mitigation measures specified within the CTMP shall be in place for the full duration of the construction phase.

Reason: To ensure the safe operation of all vehicles associated with the construction phase.

### **CONDITIONS:**

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.

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

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

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

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

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

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

6. The permission hereby granted shall be for a period of 40 (FORTY) years from the date of energisation of the project (such date to be notified in writing in advance to Fife Council as Planning Authority) and, on expiry of that period, the solar array and all ancillary equipment shall be dismantled and removed from the site within the following six months and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority, taking into account the provisions of conditions 7 and 8 of the planning permission hereby granted, all unless retained with the express prior planning application approval of Fife Council as Planning Authority.

Reason: In the interests of visual amenity; in order that the planning authority retains control of the site after the period of planning permission expires.

7. 12 months prior to the decommissioning of the solar farm facility, an ecological survey, carried out by a suitably qualified ecologist, shall be submitted for the prior written approval of Fife Council as Planning Authority, identifying any ecological constraints arising from decommissioning activities, any areas where new habitats that may have established need to be retained, and where any unavoidable loss of new habitat occasioned by decommissioning activities may need to be compensated for (on or offsite).

Reason: In the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

8. 6 months prior to the decommissioning of the solar farm facility, a decommissioning and site restoration scheme shall be submitted for the prior written approval of Fife Council as Planning Authority, detailing how plant and equipment located within the site of the development hereby approved would be decommissioned and removed, informed by the ecological survey required by condition 7 of the planning permission hereby approved.

Reason: In the interests of visual amenity; in order that the planning authority retains control of the site after the development period expires and in the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

9. UNLESS OTHERWISE AGREED IN WRITING WITH FIFE COUNCIL AS PLANNING AUTHORITY, if the solar array facility fails to export electricity to the Babcock facility for a continuous period of 12 months, the Company shall; (i) by no later than the date of expiration of the 12 month period, submit a scheme to Fife Council as Planning Authority setting out how the solar farm facility and its ancillary equipment and associated infrastructure shall be removed from the site and the ground fully restored; and (ii) following written approval of the scheme by Fife Council as Planning Authority, implement the approved scheme within six months of the date of its approval, all to the satisfaction of Fife Council as Planning Authority.

Reason: In the interests of maintaining adequate control of the solar array facility should it become redundant, and to ensure that the site is restored.

12. No tree works or scrub clearance shall occur on site from 1st March through to 31st August, inclusive, each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. In the event that clearance is proposed between 1st March to 31st August, inclusive, an appropriate bird survey shall be carried out by a Suitably Qualified Ecologist (SQE) within 48 hours prior to works commencing in the proposed clearance area. Confirmation of the survey and ecological permission to proceed with the clearance works shall be submitted to this Planning Authority as proof of Condition Compliance. This proof should usually be in the form of a Site Note/Site Visit Report issued by the Suitably Qualified Ecologist.

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

13. BEFORE ANY WORKS START ON SITE, scaled elevations of all proposed boundary treatments to be erected shall be submitted for the written approval of Fife Council as Planning Authority.

Reason: In the interests of visual amenity.

14. FOR THE AVOIDANCE OF DOUBT, only those trees identified for removal in approved ADAS 'Arboricultural Planning Statement' (Planning Authority ref. 19) shall be felled unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure that no additional trees are removed from the site.

20. The biodiversity enhancement measures identified within the approved RSK Preliminary Ecological Appraisal Report (April 2023) (Planning Authority drawing ref. 24), namely installation of bat and bird boxes and formation of log piles, shall be provided on site within the first planting season following the completion or from the energisation of the development, whichever is the sooner. A plan confirming the location of the proposed enhancement measures shall be submitted for the written approval of Fife Council as Planning Authority prior to their installation.

Reason: In the interests of biodiversity enhancement.

22. The SUDS and drainage infrastructure hereby approved shall be constructed/installed contemporaneously with the build out of the development hereby approved and shall be fully operational prior to the energisation of the project unless otherwise agreed in writing. Thereafter shall be retained and maintained for the lifetime of the development.

Reason: To ensure the effective management of surface water and to ensure that the required drainage works are carried out and operational at the required stage of the development.

## 8.0 Background Papers

---

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

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

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

[Planning Guidance](#)

Development Plan:

National Planning Framework 4 (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

National Guidance and Legislation:

PAN 1/2011: Planning and Noise

PAN 51: Planning, Environmental Protection and Regulation (2006)

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction

Other Guidance:

Fife Council Transportation Development Guidelines

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

Report prepared by Bryan Reid (Lead Professional – Strategic Development)

Report reviewed and agreed by Derek Simpson (Lead Officer) 27.11.23