

Wednesday 29 May 2024 - 2.00 p.m.

AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

3. MINUTE – Minute of meeting of West and Central Planning Committee of 1 May 2024. 4 - 6

4. 23/03086/FULL - DUNCAN CRESCENT, DUNFERMLINE 7 - 16

Change of use from storage building (Class 6) to internal seating area (Class 3) and formation of outside seating area (retrospective).

5. 23/01581/FULL - HENDRY ROAD, KIRKCALDY 17 - 35

Erection of mixed use development (Class 4, 5), self storage (Class 6) and bakery (Class 1A) including access, car parking and landscaping.

6. 24/00624/FULL - MAIN STREET, VALLEYFIELD 36 - 44

Erection of two 1.5 storey extensions to rear and side of dwellinghouse, alterations to boundary walls and installation of gate (part retrospective).

7. 24/00625/LBC - MAIN STREET, VALLEYFIELD 45 - 52

Listed building consent for erection of two 1.5 storey extensions to rear and side of dwellinghouse, installation of replacement roof and windows, re-rendering, alterations to boundary walls, installation of gate and formation of new openings.

8. 20/03227/ARC - KINCARDINE EASTERN EXPANSION 53 - 111

Application for approval of matters specified by condition 1 of 17/02330/PPP for erection of 507 dwellinghouses (including 80 affordable units), 36 flatted dwellings, retail units and associated access, roads, parking, open space, SuDS, landscaping, public art and infrastructure.

9. 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

22 May, 2024

If telephoning, please ask for:
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BLENDED MEETING NOTICE

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

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

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

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

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

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

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

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

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

1 May 2024

2.00 pm – 3.10 pm

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

ATTENDING: Mary Stewart, Service Manager; Jamie Penman, Planner; Gary Horne, Planning Assistant; Manasa Channabasavaiah, Graduate Planner, Planning Services; Gemma Hardie, Solicitor, Steven Paterson, Solicitor and Michelle Hyslop, Committee Officer, Legal and Democratic Services.

APOLOGY FOR ABSENCE: Councillor Andrew Verrecchia.

163. DECLARATIONS OF INTEREST

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

164. MINUTE

The committee considered the minute of the West and Central Planning Committee of 3 April 2024.

Decision

The committee agreed to approve the minute.

165. 23/01380/FULL- DEVELOPMENT LAND WHITWORTH ROAD GLENROTHES

The committee considered a report by the Head of Planning Services relating to an application for the erection of a crematorium (Sui Generis), construction skills academy (Class 10) and manufacturing facility (Class 5) including the formation of associated vehicular access, car parking and hard and soft landscaping and other associated supporting infrastructure.

Decision

The committee agreed to refuse the application for the seven reasons set out in the report.

Councillor McLelland joined the meeting during consideration of the above item.

166. 23/01953/FULL - 27 SEASIDE PLACE ABERDOUR BURNTISLAND

The committee considered a report by the Head of Planning Services relating to an application for the erection of dwellinghouse and formation of access including associated works.

Members were advised of an amendment to para 4.2.3 of the report as detailed below: -

4.2.3 Other Concerns Expressed

- | | |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| a. Traffic concerns during construction phase | Applicant shall have to seek relevant permissions from Fife Council Transportation should they seek to occupy a road or site a skip |
| b. Stability of boundary wall | Structural concerns are outwith the scope of the Planning Authority. |
| c. Concerns raised regarding Neighbour Notification | Further notification for second set of revised plans was not a statutory requirement |
| d. Development would prejudice future development within Golf Course | Future hypothetical developments aren't a material planning consideration. |

Decision

The committee agreed to: -

- (1) approve the application subject to the 13 conditions and for the reasons detailed in the report; and
- (2) an amendment to condition 11 to read: -

11. 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 as 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.

167. 24/00095/FULL - 117 LIME GROVE METHIL LEVEN

The committee considered a report by the Head of Planning Services relating to an application for the erection of domestic outbuilding (retrospective).

Decision

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

168. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

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

Committee Date: 29/05/2024

Agenda Item No. 4

Application for Full Planning Permission

Ref: 23/03086/FULL

Site Address: Buzz Lounge Duncan Crescent Dunfermline

Proposal: Change of use from storage building (Class 6) to internal seating area (Class 3) and formation of outside seating area (retrospective)

Applicant: Mr M Arslan, 33 Stanley Gardens Glenrothes

Date Registered: 31 January 2024

Case Officer: Emma Baxter

Wards Affected: W5R04: Dunfermline South

Reasons for Referral to Committee

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

Summary Recommendation

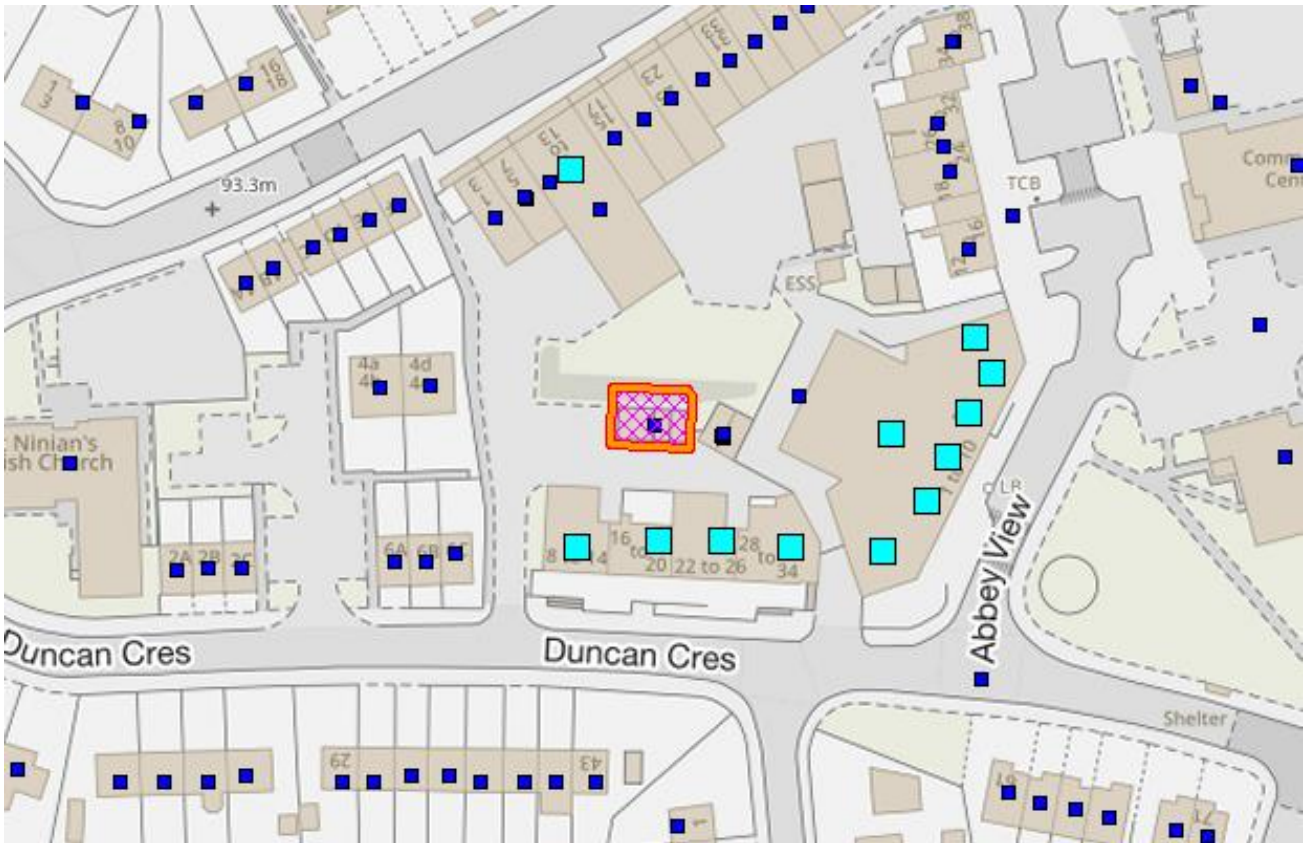
The application is recommended for: Refusal and Enforcement Action

1.0 Background

1.1 The Site

1.1.1 This application relates to a small area of land located within the settlement boundary of Dunfermline. More specifically, the site is located within the area of Abbeyview, to the rear of a small shopping precinct. The site measures 150sqm and contains a small garage/storage type building. The application site also includes a small area of open space. Whilst the wider surrounding area can be classed as mixed use with both commercial and residential uses present, the immediate area around the application site is to the rear of Duncan Crescent, Abbey View and Allan Crescent, with the area being predominantly used for the servicing of the neighbouring commercial units. Neighbouring buildings largely include commercial uses on the ground floor level, which face away from the application site and onto the adjacent streets. Residential units are located above, with a large number of them facing out onto the application site. The application site is located within the Abbeyview Local Shopping Centre as defined by FIFEplan (2017).

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1. This application seeks planning permission for the change of use of a storage building (Class 6) to an internal seating area (Class 3) and the formation of an adjacent outside seating area. The proposal would see the existing storage building used as an indoor seating area, with an outdoor seating area formed to the north. These areas would be used in association with the applicant's dessert shop (House of Desserts) which is located to the south on Duncan Crescent. The operational hours of the proposed development would be 11:00-23:00 for the indoor area and 11:00-20:00 for the outdoor area, 7 days a week. The maximum capacity is advised as approximately 15 people.

1.3 Relevant Planning History

79/00207/WFULL - Extension to garage to form storage area at rear of shop – Permitted with Conditions - 07/09/81

22/01054/FULL - Alterations to and change of use from storage building (Class 6) to shisha bar (Sui Generis) (Retrospective) – Refused/ Enforcement Action - 20/01/23 Fife Council's Planning Review Body upheld the decision, confirming the refusal of planning permission on 29.08.23.

23/00019/ENF - Enforcement pertaining to the unauthorised change of use and associated works as applied for under 22/01054/FULL. An enforcement notice was served 06.12.23. The enforcement notice was appealed to the DPEA and the appeal subsequently dismissed on 28.02.24. As such, the use of the site as a shisha bar must cease, and all signage and the outdoor seating area to the rear must be removed by 29.05.24.

1.4 Application Procedures

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

1.4.2. A physical site visit has not been undertaken. All necessary information has been collated digitally to allow the full consideration and assessment of the application. The following evidence was used to inform the assessment of this proposal

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

A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

1.5 Relevant Policies

National Planning Framework 4 (2023)

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 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 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 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 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 10: Amenity

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

Policy 14: Design, quality and place

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

National Guidance and Legislation

Planning Advice Note 1/2011: Planning and Noise

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 Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

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
- Residential Amenity
- Transportation/Road Safety

2.2 Principle of Development

2.2.1. NPF4 (2023) Policy 9 and 27 and FIFEplan (2017) Policies 1 and 6 shall be considered in the assessment of the principle of development.

2.2.2. Letters of support received for this application advised that the proposed change of use would be beneficial for the community through providing an indoor area to sit and consume products purchased from House of Desserts.

2.2.3. The application site is located within the defined settlement boundary of Dunfermline, where there is a presumption in favour of development under FIFEplan. Moreover, the proposed development would result in the re-use of an existing building and therefore would be considered consistent with Policy 9 of NPF4. The site also located within a defined Local Shopping Centre and would attract more people into the area thereby improving the viability and vitality of the area and providing benefits to the local economy. The basic principle of development is therefore acceptable and in general compliance with FIFEplan (2017) Policy 1 & 6. The overall acceptability of such a development, however, must also satisfy other FIFEplan policy criteria which will be discussed in detail below.

2.3 Design And Layout / Visual Impact

2.3.1. NPF4 (2023) Policy 14, FIFEplan (2017) Policies 1, 10 and 14 and Making Fife's Places Supplementary Planning Guidance shall be considered in the assessment of the design / visual impact of the proposed development.

2.3.2. One letter of objection received for this application raised concern with the visual impact of the proposal, stating that they felt it was out of place with the surrounding area.

2.3.3. The application site is located behind the main local shopping area of Abbeyview and as such, is not conspicuous from main public areas. However, the site is visible from the footpath to the east which links Alan Crescent and Duncan Crescent. Alterations have been made to the building, including applying render re-roofing blocking up of an existing opening and the creation of further openings on both the east and north elevations. These changes have modernised and improved the visual appearance of the property, thereby having a positive impact on the surrounding area. Furthermore, timber fencing on top of a low-level brick wall totalling 2.1 meter in height has been erected to the north, east and west of the building to enclose the outdoor seating area which would cause no significant visual concerns.

2.3.4. In light of the above, the proposal is considered to have no significant visual impact on the surrounding area and would comply with NPF4 Policy 14, FIFEplan (2017) Policies 1, 10 and 14 and Making Fife's Places Supplementary Planning Guidance.

2.4 Residential Amenity

2.4.1. NPF4 (2023) Policy 23, FIFEplan (2017) Policies 1 and 10, Planning Advice Note 1/2011: Planning and Noise and Fife Council's guidance note on Development and Noise (2021) shall be considered in the assessment of the amenity impact of the proposed development.

2.4.2. Two letters of objection have been received for this application which raised concern with regard to elevated noise levels as a result of the proposed development including music, cars/traffic as well as patrons when entering/leaving the site.

2.4.3. Fife Council's Public Protection team was consulted on this application and advised that it is their position that the proposed development would likely have a negative impact on the nearby properties due to noise levels. FCPP have therefore objected to the planning application.

2.4.4. As previously noted within this report, the application property is located behind the main Abbeyview local shopping precinct and is located within an area which is predominantly used for servicing. Unlike the main streets which the majority of the surrounding commercial units face out onto, the area immediately around the application property is generally quiet. Furthermore, there are a large number of residential properties situated at first floor level above neighbouring commercial units to the south and east (approximately 7.5 meters from the application site) which have windows facing out onto this space.

2.4.5. A Supporting Statement has been submitted with the application which details that the proposed development would operate 7 days per week from 11:00 to 23:00, with the outdoor seating area closing at 20:00. The maximum expected occupancy would be 15 customers. Moreover, the supporting statement advises that currently many customers that visit the shop buy their products and then sit on the steps outside to consume them. This is a large part of the reason for the applicant's desire to have a dedicated seating area to provide a sheltered space during unpleasant weather. The applicant then concludes that the proposal would reduce noise levels through providing an indoor area for customers. It is also acknowledged that the applicant has referenced an investigation conducted by colleagues in Fife Council's Public Protection team in relation to alleged noise nuisance from loud music under the site's previous unauthorised use as a Shisha Bar. It was concluded that no statutory nuisance existed at that time. However, this investigation by Public Protection colleagues was carried out under a different legislative and policy framework and therefore their findings do not support a conclusion that the development would not have a significantly detrimental impact on the residential amenity of surrounding properties and thus comply with the policy provisions of NPF4 and FIFEplan. A Noise Impact Assessment has also been submitted as part of this application which concluded that the proposed development would not result in any significant detrimental impact in terms of elevated noise levels subject to proposed mitigation measures. These measures included upgrading the existing hit-and-miss fence surrounding the outdoor seating area to close boarded fencing and keeping the doors of the internal seating area closed after 20:00.

2.4.6. The development site is situated within a backland area, which previously had no significant commercial development within it, nor would it have had any significant amount of pedestrian traffic routing through the area. The applicant contends that the proposal would not result in increased visitors to the site, as the seating area would serve existing customers who would access the site via the existing shop. Whilst it is not disputed that some of the proposed development's clientele would likely be existing customers of House of Desserts, it is considered that the proposal would undoubtedly result in an increase in customers, as the proposed development would be a much more attractive offering when compared with the current situation whereby customer must eat their purchases outside the shop, in their vehicles or travelling back home. Moreover, there are no enforceable measures in place to ensure

customers enter/leave via the existing shop as opposed to via the footpath to the east which leads onto Duncan Crescent and Allan Crescent. Notwithstanding the above, even if the proposed development generated no new customers as the applicant suggests, the proposal would nevertheless result in the relocation of some customers from the shopfront area which, already experiences a considerable degree of footfall, to an area which is characterised as a quiet backland area without high volumes of footfall. The applicant also asserts that there are a high number of commercial units within the nearby vicinity which could begin to offer new/additional services which could create in an increase in people/traffic without requiring planning permission.

2.4.7 Firstly, any proposed alterations to an existing business which would constitute a material change would require planning permission and the relevant assessment would be made as to its acceptability. Furthermore, it is accepted that there are a considerable number of commercial units within the nearby area. However, these properties all front onto Duncan Crescent, Abbey View or Allan Crescent, all of which are characterised by a row of active commercial shop fronts. As has already been discussed, the concerns with regard to the residential amenity impact of the proposed development largely relate to its location within a backland area which currently does not experience high volumes of traffic/noise.

2.4.8. Overall, it is considered that the proposed development, operating into the late evening 7 days per week would have an unacceptable detrimental impact on the level of residential amenity generally expected within the neighbouring residential properties. These concerns specifically relate to issues associated with people arriving and departing the premises, the potential for customers to loiter outside the premises and the consequent overall change in the character of the area.

2.4.9. In light of the above, the proposal would have a significantly detrimental impact on residential amenity levels in the surrounding area, contrary to NPF4 Policy 23 and FIFEplan Policy 1 & 10. The development is therefore unacceptable in this regard.

2.5 Transportation/Road Safety

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

2.5.2. One letter of objection has been received for this application which raised concern with the lack of off-street parking associated with the site as well as the fact there is no dedicated pedestrian footpath for customers.

2.5.3. The application property is located within a servicing area for the surrounding commercial properties. There is no dedicated off-street parking for the property within the immediate area. Moreover, there are no safe pedestrian routes to the property, nor is the area adequately lit. The submitted supporting statement contends that the proposed development would not result in any additional traffic as the proposed development would serve existing customers.

2.5.4 Fife Council's Transportation Development Management Team was consulted on this application and advised that it is their position that the proposal would undoubtedly result in an increase in customers and therefore parking demand, as the proposed development would be a much more attractive offering when compared with the current situation whereby customer must eat their purchases outside the shop, in their vehicles or travelling back home. TDM has

advised that as per the current Fife Council Making Fife's Places Appendix G, the Class 3 element of the proposal (internal seating) must have the provision of 1 parking space per 5m² of public floor area (PFA). The internal seating area would have an approximate PFA of 40m² and therefore requires the provision of 8 off-street parking spaces. The external seating area has a PFA of approximately 45m² and requires the provision of 9 off-street parking spaces. The proposal would therefore require a total of 17 off-street parking spaces and no off-street parking can be provided within land in the applicant's control. The approved use as a storage building has a notional off-street parking requirement of 1 parking space. The proposed development would therefore result in a shortfall of 16 off-street parking spaces, which would lead to an increase in on-street parking on the surrounding public roads. This, in addition to the lack of a safe pedestrian footpath to the property, would also create a conflict between pedestrians and vehicles, to the detriment of road and pedestrian safety. TDM have therefore recommended the application for refusal.

2.5.5 Overall, the proposal would lead to an increase in on-street parking on the public road surrounding the site and therefore would create unacceptable detrimental impacts on road safety in the surrounding area for both vehicles and pedestrians. The proposal is therefore contrary to NPF4 Policy 13, FIFEplan (2017) Policies 1, 3 and 10 and Making Fife's Places Supplementary Planning Guidance (2018).

3.0 Consultation Summary

Scottish Water	No objections.
TDM, Planning Services	Recommended refusal.

4.0 Representation Summary

4.1. Ten letters of support and two letters of objection have been received for this application.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Visual Impact	2.3.3.
b. Road Safety	2.5.4.
c. Residential Amenity	2.4.4.

4.2.2 Support Comments

Issue
a. Letters of support received for this application advised that the proposed change of use would

be beneficial to the community through providing an indoor area to sit and consume products purchased from House of Desserts.

4.2.3 Other Concerns Expressed

Issue	Comment
a. Loss of view to nearby residential properties	This is not a material planning consideration.
b. Increase in vandalism, anti-social behaviour/crime	Fear of crime/anti-social behaviour is a matter that is more properly for other agencies such as Police Scotland to consider and do not constitute reasonable grounds for refusal.
c. Capacity of foul water system	This is not a material planning consideration.
d. Light pollution from signage	This element of the proposal is currently being addressed under an enforcement notice.

5.0 Conclusions

Whilst the external alterations to the building have improved its appearance and the general upkeep of the surrounding area, the change of use of the property would have an unacceptable impact in terms of residential amenity and road safety. The site's location within a service area, which contains no other commercial use or generates significant levels of pedestrian or vehicular traffic, would result in significantly detrimental noise impacts on neighbouring residential properties which look out onto the site. Furthermore, the development would lead to an increase in parking within a servicing area for local shops which would result in significantly detrimental road safety impacts on local road users including both servicing vehicles and pedestrians. The development is therefore unacceptable and contrary to NPF4 Policies 13, 23, FIFEplan (2017) Policies 1, 3, 10 and Making Fife's Places Supplementary Planning Guidance (2018).

6.0 Recommendation

It is accordingly recommended that the application be refused for the following reason(s)

1. The application proposal would result in unacceptable significantly detrimental road safety impacts on the surrounding area by virtue of generating an increased parking demand, resulting in unsafe environment for both vehicles and pedestrians. The application proposal is therefore contrary to NPF4 Policy 13, FIFEplan (2017) Policies 1, 3, 10 and Making Fife's Places Supplementary Planning Guidance (2018).
2. The application proposal would result in unacceptable significantly detrimental residential amenity impact on neighbouring residential properties by virtue of increased levels of activity (vehicular/pedestrian) in a quiet backland area. The application proposal is therefore contrary to NPF4 Policy 23 and FIFEplan (2017) Policies 1 and 10.

And

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

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](#)

2. National Policy and Guidance:

PAN 1/2011: Planning and Noise

Development Plan:

Adopted FIFEplan (2017)

Making Fife's Places Planning Supplementary Guidance (2018)

National Planning Framework 4 (2023)

Other Guidance:

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

Report prepared by Emma Baxter, Chartered Planner & Case Officer

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

Committee Date: 29/05/2024

Agenda Item No. 5

Application for Full Planning Permission

Ref: 23/01581/FULL

Site Address: Site At Junction Of Hendry Road And Hayfield Industrial Estate
Hayfield Place

Proposal: Erection of mixed use development (Class 4, 5), self storage (Class 6) and bakery (Class 1A) including access, car parking and landscaping

Applicant: Castlecroft Securities/Sonder, Unit 21 Dunfermline Business Park

Date Registered: 21 July 2023

Case Officer: Sarah Purves

Wards Affected: W5R10: Kirkcaldy North

Reasons for Referral to Committee

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

Summary Recommendation

The application is recommended for: Refusal

1.0 Background

1.1 The Site

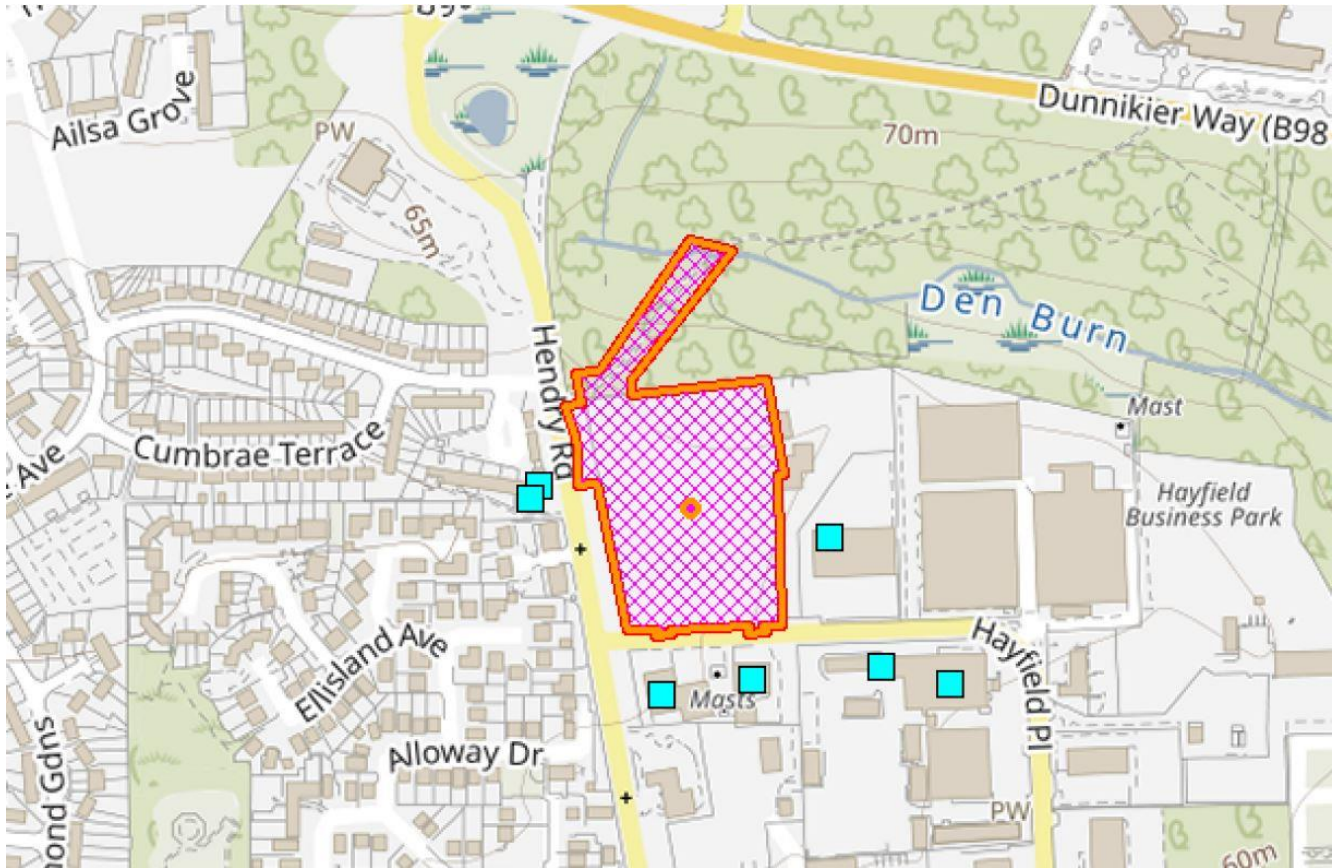
1.1.2 This application relates to vacant industrial land which measures approximately 1.9 hectares and is situated immediately to the east of Hendry Road within the northwest corner of Hayfield Industrial Estate. The site is within Kirkcaldy and Dysart settlement envelope, as defined by the FIFEplan Local Development Plan (2017). The site is designated in the Adopted Local Plan as an employment site (Proposal KDY023) which is restricted to Classes 4, 5 and 6, as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997.

1.1.3 To the west, the site is bound by a grass verge and Hendry Road and the north of the site is bound by a woodland area and footpath with the Den Burn beyond. There is an industrial building and yard to the east of the site and to the south, the site is bound by Hayfield Place. On

the opposite site of Hayfield Place, there is a car repair garage and beyond this unit to the south and southeast is the remainder of Hayfield Industrial Estate which comprises a mix of warehouses, manufacturing uses and more modern trade counter units. Vehicular access to the site was previously taken off Hayfield Place along the southern boundary.

1.1.4 At present, the site is largely clear of all vegetation and has been levelled. A metal boundary fence of approximately 2 metres in height has also been erected along the boundary of the site.

1.1.5 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 The proposal includes the erection of a mixed use development (Class 4, 5), self storage (Class 6) and bakery (Class 1A) including access, car parking and landscaping. There would be two access points to the site from Hayfield Place to the south, one to Phase 1 (self storage use) and one to Phase 2 (mixed use and bakery uses). Six Class 4/5/6 units would occupy the site in total; five located to the east of the Phase 2 access point and one adjoining the proposed bakery unit to the west of the Phase 2 access point.

1.2.2 The units to the east would all measure 130 square metres individually, with an additional first floor mezzanine level measuring approximately 50 square metres. The entire row of units would measure approximately 50 metres in length, 8.4 metres in height and 14 metres in width. The roof would be pitched and the finishing materials would comprise of grey cladding and facing brick, grey metal roofing, grey doors and grey rainwater goods. Each of the units would have a roller shutter door and pedestrian door to the front and a pedestrian door and window to the rear, with rooflights above.

1.2.3 The bakery and adjoining business/industrial unit would both measure 100 square metres (200 square metres in total). The building would measure approximately 5 metres in height, 25 metres in length and 9 metres in width with a flat roof. The finishing materials would comprise of white dry dash render, charcoal cladding, grey aluminium entrance screen, door and rainwater goods. There would be extensive glazing to the front (south) of the bakery unit, a roller shutter door and separate glazed door/side panels to the front (south) of the business/industrial unit. There would be glazing on either side of the building and a pedestrian door to both rear elevations.

1.2.4 The storage containers would measure approximately 2.4 metres in width, 6 metres in length and 2.6 metres in height. There would be an ancillary entrance/sales unit which would measure approximately 74 square metres- 12.5 metres in length, 3 metres in height and 6.1 metres in length. All units would be finished with blue coloured profiled steel.

1.3 Relevant Planning History

17/02103/PPP - Planning permission in principle for the erection of 48 flats and 26 townhouses was refused in 2018.

24/00272/FULL - Siting of storage containers (Class 6) with ancillary office (Class 4) including the formation of access, associated car parking and landscaping is pending consideration.

1.4 Application Procedures

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

1.4.2 The application was advertised in the Courier newspaper on 27/07/2023. The application was re-advertised in the Courier newspaper on 29/02/2024, due to the description of the proposal changing.

1.4.3 The original description of development was 'Erection of mixed use development (Class 4, 5) and self storage (Class 6) and bakery (Class 1A) and drive thru (Sui Generis) and access and car parking and landscaping' until the drive-thru element was removed.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

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

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20 minute neighbourhoods

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

Policy 18: Infrastructure first

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

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 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

Policy 27: City, town, local and commercial centres

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

Policy 28: Retail

To encourage, promote and facilitate 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 4: Planning Obligations

Outcomes: New development provides for additional capacity or improvements in existing infrastructure to avoid a net loss in infrastructure capacity.

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 6: Town Centres First

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

National Guidance and Legislation

Scottish Government- Local living and 20-minute neighbourhoods: planning guidance (2024)

This document provides guidance on local living and 20 minute neighbourhoods and aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods which prioritise environmental, social and economic sustainability.

Scottish Government- Water-resilient places - surface water management and blue-green infrastructure: policy framework (2021)

This paper outlines how surface water is currently managed in Scotland, sets out a vision for the future and describes the components that should be brought together to form a coherent framework that will support delivery of water resilient places.

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

Planning Advice Note (PAN) 33 provides advice on the implications of the contaminated land regime for the planning system.

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 Policy Guidance

Supplementary Guidance: Low Carbon Fife (2019)

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

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.

Developing Brownfield Sites

Planning Customer Guidelines

Business Selling Food and Drink

Daylight and Sunlight

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
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Sustainability

2.2 Principle of Development

2.2.1 NPF4 sets out the overarching spatial strategy for Scotland to 2045. It recognises from the outset that Planning is a powerful tool for delivering change on the ground in a way which brings together competing interests so that decisions reflect long-term public interest. Past, present and future challenges mean that we will need to make the right choices about where development should be located.

2.2.2 Policy 1 (Tackling the climate and nature crises) of NPF4 stipulates that its policy intent is to encourage, promote and facilitate development that addresses the global climate emergency and natural crisis. Policy 1 continues that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2 of NPF4 (Climate mitigation and adaptation) seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

2.2.3 Policy 13 (b) of NPF4, amongst other criteria, states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with sustainable travel and where appropriate they will be accessible by public transport. Policy 13 d) of NPF4 also states that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area. In this regard, Policy 15 of NPF4 (Local Living and 20-minute neighbourhoods) seeks 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. Within the settlement of Kirkcaldy, a 20 minute neighbourhood approach would be relevant as it is an urban settlement.

2.2.4 The Scottish Governments guidance on Local living and 20-minute neighbourhoods (2024) provides guidance on local living and 20 minute neighbourhoods and aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods which prioritise environmental, social and economic sustainability.

2.2.5 Policy 26 of NPF4 (Business and industry) seeks to encourage, promote and facilitate business and industry uses. It continues that Local Development Plan's (LDPs) should allocate sufficient land for business and industry and support broader objectives of delivering a low carbon and net zero economic recovery. Policy 26 a) states that development proposals for business and industry uses (Classes 4, 5 and 6) on sites allocated for those uses in the LDP will be supported. Policy 26 c) stipulates that development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. It continues, other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/ industrial character of the area. Policy 26 e) states that development proposals for business and industry will take account: i. the impact on surrounding residential amenity; and, ii. the need for appropriate site restoration at the end of a period of commercial use.

2.2.6 Policy 27 of NPF4 (City, town, local and commercial centres) stipulates that the overall policy content in this regard is to encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This, it elaborates, will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes. It continues that LDPs should identify a network of centres that reflect the principles of 20-minute neighbourhoods and the town centre vision. This is also relevant to Policy 15 (Local Living and 20 minute Neighbourhoods). Policy 27 b) of NPF4 requires development proposals to be consistent with a town centre first approach and states proposals for uses which will generate significant footfall will not be supported outwith

town or local centres, unless a town centre first assessment demonstrates that: i. all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable; ii. the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and, iii. the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

2.2.7 Policy 28 of NPF4 (Retail) seeks to encourage, promote and facilitate retail investment to the most sustainable locations that are most accessible by a range of sustainable transport modes. Policy 28 a) of NPF4 notes that development proposals for retail (including expansions and changes of use) will be consistent with the town centre first principle. This means that new retail proposals: i. will be supported in existing city, town and local centres, and ii. will be supported in edge-of-centre areas or in commercial centres if they are allocated as sites suitable for new retail development in the LDP. iii. will not be supported in out of centre locations (other than those meeting policy 28(c) or 28(d)).

2.2.8 Policy 1 Part A of FIFEplan Local Development Plan (2017) requires development to be in a location where the proposed use is supported by the Local Development Plan and Part B requires proposals to protect Fife's existing and allocated employment land. Policy 5 expands on this, stating that proposals for changes of use from employment land will only be considered if: 1. it is demonstrated that the existing building or site cannot be reused or redeveloped for employment uses, based on prevailing market conditions which will be determined at the date of the application and, 2. it will not create a shortfall in the 7-year supply of employment land in settlements with a population of 5,000 or more.

2.2.9 Policy 6 of FIFEplan (2017) - Town Centres First - supports proposals that comply with the sequential approach (taking into account catchment areas), comply with the respective uses and roles of the defined network of centres, will have no significant adverse effect on the vitality and viability of town centres and are appropriate for the location in scale and character.

2.2.10 Support comments have been received, which note that the proposal would create jobs and provide training for workers. In addition, it is noted that the development would have positive economic impacts and community benefits with the provision of facilities.

2.2.11 Fife Councils Economic Development team has been consulted on this application and note that the development would create employment units, storage units and a retail unit, therefore the team consider it to be a positive development which would create jobs and investment.

2.2.12 Fife Councils Policy and Place team has been consulted on this application and raise concerns about the potential detrimental impact of the bakery element of the proposal on Templehall Local Centre and the subsequent reduction in access to services for the wider community that could result if businesses close in the centre.

2.2.13 The application site is located within the settlement envelope of Kirkcaldy and Dysart, as defined in the Adopted FIFEplan (2017), therefore there is a presumption in favour of development, subject to satisfactory details. However, the site is allocated as an Employment site (KDY023), which is safeguarded for Classes 4 (business), 5 (general industrial) and 6 (storage and distribution). The proposed mixed use and self storage development would be compliant with the Class 4, 5 and 6 restrictions of the employment area, however the proposed bakery use (Class 1A) would not. Therefore, the proposal as a whole would not comply with Policy 26 of NPF4 or Policy 5 of the FIFEplan due to the loss of employment land.

2.2.14 The proposal also fails to comply with NPF4 Policies 27 and 28 and FIFEplan Policies 1 and 6, in that the spirit of these policies is to direct retail development to the existing defined centres, which are compatible with their respective roles. FIFEplan's sequential approach supports out-of-centre locations as a least favourable option, with town centres, edge of town centres, local centres and other commercial centres identified in the Local Development Plan all preferred. The proposed bakery (retail) floorspace has the potential to detrimentally impact nearby local centres, including Templehall, through enabling the relocation of existing/potential retailers and diverting trade. This would likely have an adverse impact on the viability and vitality of nearby town/local centres.

2.2.15 Whilst the positive economic impacts are accepted, the proposed Class 4/5/6 uses alone would also result in these benefits. As noted, the proposed bakery is not acceptable as it would result in the loss of employment land and create a retail use in an out of centre location. Therefore, the proposed land use does not comply with Policies 26, 27 and 28 of National Planning Framework 4 (2023) or Policies 1, 5 and 6 of the Adopted FIFEplan (2017) and is therefore unacceptable in this respect.

2.3 Design and Layout / Visual Impact

2.3.1 NPF4 (Design, quality and place) stipulates that its policy intent is to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Policy 14 (a) of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 (b) 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 14 (c) concludes that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

2.3.2 Policy 1 and 10 of the Adopted Local Plan advise that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area. Fife Council's Making Fife's Places Supplementary Guidance (2018) set out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how developments proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.3 The business/industrial units would all measure 130 square metres individually. The entire row of units would measure approximately 50 metres in length, 8.4 metres in height and 14 metres in width. The roof would be pitched and the finishing materials would comprise of grey cladding and facing brick, grey metal roofing, grey doors and grey rainwater goods. Each of the units would have a roller shutter door and pedestrian door to the front and a pedestrian door and window to the rear, with rooflights above.

2.3.4 The bakery and adjoining business/industrial unit would both measure 100 square metres (200 square metres in total). The building would measure approximately 5 metres in height, 25 metres in total length and 9 metres in width with a flat roof. The finishing materials would comprise of white dry dash render, charcoal cladding, grey aluminium entrance screen, door and rainwater goods. There would be extensive glazing to the front (south) of the bakery unit, and a roller shutter door and separate glazed door/side panels to the front (south) of the

business/industrial unit. There would be glazing on either side of the building and a pedestrian door to both rear elevations.

2.3.5 The storage containers would measure approximately 2.4 metres in width, 6 metres in length and 2.6 metres in height. They would be blue coloured profiled steel.

2.3.6 There would be car parking in the centre of the site, with the buildings oriented to face the public road. The proposed storage containers would be set back and largely to the rear of the proposed buildings. The layout would therefore be appropriate, with landscaping proposed on the west boundary of the site and between the parking areas to create a buffer. The buildings to be located on the western side of the site would be approximately 5 metres in height which would be similar to the residential properties to the west of Hendry Road. The building heights would increase to 8 metres towards the centre of the site, which would be appropriate within the industrial setting. The surrounding buildings are of typical industrial style, comprising of brick and grey metal cladding finishing materials. The proposed materials would match the existing materials and would therefore be visually acceptable.

2.3.7 The design of the proposal would be appropriate within the industrial setting, with the storage units located to the rear and the buildings orientated to face the street. Landscaping is also proposed to soften the scheme further. As such, the design and layout could be acceptable with regard to NPF4, FIFEplan and associated guidance.

2.4 Residential Amenity

2.4.1 Policy 23 (e) of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported. Policies 1 and 10 of the Adopted Local Plan state that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected and that development will only be supported where it will have no significant detrimental impact on the operation of existing or proposed businesses and commercial operations or on the amenity of surrounding existing land uses. Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

2.4.2 Fife Council's Policy for Development and Noise (2021) sets out how noise impact should be considered through the planning process. It advises that the noise impact arising from development should be considered and mitigated and residential development should not unacceptably affect existing businesses or be built in locations which would be affected by excess or inappropriate noise levels.

2.4.3 An Environmental Noise Impact Assessment (Ellendale Environmental, 2024) has been submitted with this application. The Noise Impact Assessment summarises that the noise rating levels, due to the vehicles associated with the proposed development (inclusive of early morning deliveries/waste collections), are predicted to be below the representative background sound level. British Standard BS4142 'Methods for rating and assessing industrial and commercial sound' states that "where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact".

2.4.4 Fife Council's Environmental Health (Public Protection) team have reviewed the Environmental Noise Impact Assessment and concluded that it is acceptable. The development

is therefore likely to have no significant adverse impact in relation to noise. However, if after completion of the development, complaints of nuisance were received, the Public Protection team would be duty bound to investigate. If a statutory nuisance is established, then works / further works may be required to abate the nuisance.

2.4.5 Due to the distance between the proposal and the neighbouring properties on the opposite site of Hendry Road (approximately 30 metres), there would be no opportunity for loss of privacy/overlooking as a result of the development. Similarly, this distance would ensure that there would be no detrimental impact on daylight/sunlight as a result of the proposal.

2.4.6 Overall, the development would be acceptable with regard to residential amenity and in compliance with NPF4, FIFEplan and associated guidance.

2.5 Transportation/Road Safety

2.5.1 NPF4 (Sustainable transport) stipulates from the outset that its policy intent in this regard is 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 13 (b) of NPF4, amongst other criteria, elaborates that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and where appropriate they will be accessible by public transport. Policy 14 (b) of NPF4, amongst other criteria, stipulates that development proposals will be supported where it supports well connected networks that make moving around easy and reduce car dependency.

2.5.2 Policy 1, Part C, criterion 2, of the Adopted Local Plan requires development proposals to provide on-street infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of the Adopted Local Plan, amongst other criteria, continues that development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Accordingly, development proposals are required to demonstrate how they address any impacts on road safety. Policy 10 of the Adopted Local Plan supports development where it does not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Making Fife's Places Supplementary Guidance (Appendix G - Fife Council's Transportation Development Guidelines).

2.5.3 Several of the support comments have referenced the potential traffic impact as a result of the development and suggest that this would not be significant.

2.5.4 A Transport Assessment (WSP, 2024) has been submitted with this application, which concludes that the development site is in a location accessible by sustainable travel modes, including walking, bicycle or by public transport. In addition, it is noted that the development is forecast to have a minimal impact on the operation of the adjacent road network and the busier western development access is forecast to operate within capacity following the addition of trips associated with the fully developed site.

2.5.5 The plans demonstrate that there would be 29 parking spaces to the south of the bakery shop and adjoining unit, including 2 accessible bays. There would also be 7 Electric Vehicle charging points installed to the south of the car park, with future provision for a further 6 spaces allowed for. Space would be designated to the southeast of the building for cycle parking, however details of this have not been provided- this could be conditioned. There would be 17

parking spaces associated with the mixed-use units, including two accessible bays. There would be 5 parking spaces associated with the storage area. Overall, this would result in an overprovision of five spaces, however given that the Class 4/5/6 units do not have a specified end user, this could be acceptable in this instance.

2.5.6 Fife Councils Transportation Development Management team has been consulted on this application and has confirmed that there are no objections, subject to conditions if the application were to be recommended for approval. The conditions would relate to visibility splays, provision of parking/cycle spaces, compliance with construction requirements and details of wheel cleaning measures.

2.5.7 The development would be acceptable in regard to transportation and road safety, subject to the aforementioned conditions, and therefore in line with the requirements of NPF4 and FIFEplan.

2.6 Flooding and Drainage

2.6.1 Scottish Government's policy on water-resilient places 'surface water management and blue-green infrastructure: policy framework (2021)' outlines how surface water is currently managed in Scotland, sets out a vision for the future and describes the components that should be brought together to form a coherent framework that will support delivery of water resilient places.

2.6.2 Policy 22 (b) of NPF4 stipulates that small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk. Policy 22 (c) continues in this regard, amongst other criteria, that development proposals will not increase the risk of surface water flooding to others, or itself be at risk. Policies 1 and 3 of the Adopted Local Plan 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. Such measures will include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.6.3 Policy 12 of the Adopted Local Plan and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements advise that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use. Scottish Environment Protection Agency (SEPA) flood maps have been analysed and these show that the application site is not located within an area of known river, coastal or surface water flood risk.

2.6.4 Scottish Environmental Protection Agency (SEPA) flood maps indicate that the site is not at risk of surface, river, or coastal flooding.

2.6.5 A Drainage Report (McGregor McMahon, 2024) has been submitted with this application, which notes that all foul drainage from the proposed development would discharge via a new connection to the existing sewer within Hayfield Road. The surface water runoff from the site would discharge to the Den Burn to the north, at a limited rate.

2.6.6 Fife Councils Structural Services team has reviewed the application and has confirmed that there are no objections to the application on the grounds of flooding or surface water management. Scottish Water was also consulted on this application and has confirmed that there are no objections.

2.6.7 The application would comply with NPF4 and FIFEplan with regard to flooding and drainage and is therefore acceptable in this respect.

2.7 Contaminated Land and Air Quality

2.7.1 Planning Advice Note 33 provides advice on the implications of the new contaminated land regime for the planning system, the development of contaminated land, the approach to contaminated land in development plans and the determination of planning applications when the site is or may be contaminated. As detailed above, Policy 1 of NPF4 seeks to encourage, promote and facilitate development that addresses the global climate emergency and natural crisis. In this regard, it continues that when considering all development proposals, significant weight will therefore be given to the global climate and nature crises. Policy 2 of NPF4 seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Policy 23 d) of NPF4 stipulates that development proposals that are likely to have a significant adverse effect on air quality will not be supported. It continues an air quality assessment may be required where the nature of the proposed development or the air quality in the location suggest significant effects are likely.

2.7.2 Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Policy 9 a) states that development proposals that will result in the sustainable reuse of brownfield land, including vacant and derelict land and buildings, whether permanent or temporary, will be supported. Policy 9 also stipulates that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use. Policies 1 and 10 of the Adopted Local Plan advise that development proposals must not have a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area. Where risks are known to be present, appropriate mitigation measures should be agreed with the Council and where possible remediation strategies should be agreed prior to the determination of any planning application. The application site is identified as being located within a Coal Authority High Risk Area. A coal mining risk assessment must therefore be submitted from the outset with any formal planning application submitted for the site.

2.7.3 Support comments have made reference to the regeneration of unused land as a result of the development, which would have a positive impact on placemaking.

2.7.4 An Air Quality Impact Assessment (Airshed, 2023) was submitted with this application, which concluded that the volume of road traffic generated by the proposed development is likely to be of Negligible significance. It was noted that the traffic forecast to be generated by the scheme is below the threshold that would trigger the requirement for an assessment in terms of

the Institute of Air Quality Managements professional guidance. Whilst this document is reflective of the initial scheme, this has not been updated as the initial scheme (including drive-through) would have more impact on air quality than the current scheme.

2.7.5 A Geo-Environmental Desk Study and Coal Mining Risk Assessment (Geovia, 2023) has also been submitted with this application. The report concludes that, based on the preliminary conceptual model, the Phase 1 Risk Assessment has determined an overall low to moderate environmental risk, which is defined as, 'possible that harm could arise to a designated receptor from an identified hazard and investigation is required to clarify the risk and determine the potential liability.' As such, it was noted that some remedial works may be required. With regard to the Coal Mining Risk Assessment, further intrusive works in the form of rotary probe drilling was recommended to provide an assessment of the shallow bedrock stability.

2.7.6 A Phase 2 Ground Investigation Report (Geovia, 2023) has also been submitted with this application, which recommended that a remediation strategy should be completed to outline the selected mitigation measures to be installed/ constructed as part of any site development works. In addition, a validation report should be provided to demonstrate that the recommended mitigation measures have been carried out/ installed to the required standard.

2.7.7 Fife Councils Land and Air Quality team have reviewed the application and are satisfied with the air quality impacts as a result of the development. If the application were to be recommended for approval, the team noted that a condition should be added to ensure that in the event that any unexpected materials or conditions are encountered during the development process, work should stop and Fife Council should be notified.

2.7.8 The Coal Authority was consulted on this application and noted the conclusions of the ground investigation report; that precautionary measures should be incorporated into the built development in order to mitigate the risk posed by coal mining legacy and to ensure the safety and stability of the development. Conditions are recommended in the event that the development is recommended for approval, to ensure that the necessary mitigation measures to address the risks posed by past coal mining activity are implemented in full. Subject to these conditions, the Coal Authority had no objections.

2.7.9 The proposed re-use of brownfield land is supported in this case. As such, subject to the aforementioned conditions, the application would be acceptable with regard to land and air quality and in line with NPF4 and FIFEplan.

2.8 Natural Heritage and Trees

2.8.1 Policy 3 of NPF4 (Biodiversity) aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen natural networks. Policy 4 (Natural Places) of NPF4, amongst other criteria, stipulates that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

2.8.2 Policies 1 and 13 of the of the Adopted Local Plan state that development proposals will only be supported where they protect or enhance natural heritage and access assets including protected and priority habitats and species, green networks and greenspaces and woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Making Fife's Places Supplementary

Guidance provides information on the site assessment which must be submitted for natural heritage and biodiversity.

2.8.3 The proposed landscaping scheme would include native hedging around the perimeter of the site, informal tree planting, wildflowers and grass. There would also be ornamental shrub planting at the entrance of the site, as a gateway feature. To ensure that the hedging would have the opportunity to establish, post and wire supports would be installed as a protective measure. Given that the site has been cleared of vegetation and currently comprises of hardstanding, the proposed landscaping would be an improvement to the site.

2.8.4 A Preliminary Ecological Appraisal Report (Direct Ecology, 2023) and Ecological Supporting Letter (Direct Ecology, 2024) have been submitted with the application, which included a Phase 1 habitat survey and walkover for protected species. The extended Phase 1 habitat survey identified four different habitat types on site which largely consisted of bare ground and tall ruderal. Semi-natural woodland was present to the north, with the Den burn flowing through. Some of the woodland is listed on the Ancient Woodland Inventory. Detailed recommendations were made including best practice to mitigate pollution associated with works, mitigation for impact on trees, mitigation for lighting impacts and pre-start checks for nesting birds. Landscaping and bat/bird boxes were also encouraged.

2.8.5 Fife Councils Natural Heritage officer has reviewed the information provided and initially raised concerns that invasive non-native species were to be included as part of the landscaping scheme. These elements have since been removed to the satisfaction of the Natural Heritage Officer. The officer also noted that the suite of recommendations identified by the Preliminary Ecological Appraisal should be applied to the development, where applicable. This could be conditioned.

2.8.6 A Tree Constraints Plan (Adam Riedi, 2023), Tree Report including Tree Constraints Plan and Tree Protection Plan (Julian A Morris, 2024) have been submitted with this application. The Tree Constraints Plan indicates that there are a variety of Category B and C trees between the site and the road to the west. There are Category A, B, C and U trees to the north of the site, between the boundary and the watercourse. Category A trees are of high quality with an estimated life expectancy of 40 years. Category B trees are of moderate quality, quality with an estimated life expectancy of 20 years. Category C trees are of low quality, quality with an estimated life expectancy of 10 years. Category U trees are in such a condition that they cannot realistically be retained for longer than 10 years.

2.8.7 Fife Councils Tree Officer has reviewed this application and noted that the site is not affected by any statutory protections of trees such as Tree Preservation Orders. However, the area of woodland to the north of the site is recognised as 'Middle Den' in the Ancient Woodland Inventory. Specific comments were made in relation to tree numbers 2145, 2138, 2121, 21298, 2114 and 2147, due to the potential incursion into the root zones of these trees as a result of the development. Of the trees mentioned above, 1 is an A category Sycamore, 1 is a B category Ash, and the last a B category Sycamore. Fife Councils tree officer has noted that steps have been taken to attempt to retain trees where possible. As such, it is noted that the proposal will not fragment existing woodlands, will not require significant woodland removal, will deliver compensatory planting, and will aim to minimise potential damage to trees with a connection to the ancient woodland area to the north. Therefore, it was concluded that there are no further requirements in terms of tree protection.

2.8.8 The proposal would be acceptable with regard to natural heritage and trees and would therefore be in compliance with NPF4 and FIFEplan, subject to the aforementioned condition.

2.9 Sustainability

2.9.1 National Planning Framework 4 (Sustainable places) amongst other matters, states that Scotland's high-quality environment, and the natural capital it supports, underpin our approach to tackling climate change and the economy and is fundamental to our health and wellbeing. It continues that as a result it provides the essentials, we all need to survive, including clean air and food. However, NPF4 recognises the health of the planet's ecosystems is declining faster than at any point in human history and our natural environment is facing significant challenges, including ongoing loss of biodiversity. This in turn threatens the capacity of the natural environment to provide the services we all rely on and reduces our resilience to the impacts of climate change.

2.9.2 Policy 1 of NPF4 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions. The policy intent is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. Policy 2 (a) of NPF4 states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 2 (c) states that development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported. Policies 1 and 11 (Low Carbon) of the Adopted Local Plan state 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 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
- Construction materials come from local or sustainable sources;
- Water conservation measures are in place;
- Sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and
- Facilities are provided for the separate collection of dry recyclable waste and food waste.

All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars.

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

2.9.4 Comments of support have been submitted with this application, which highlight the proposed sustainability measures to be included as part of the proposal including electric vehicle charging points and use of low carbon construction materials.

2.9.5 A Low Carbon Checklist has been submitted with this application, which states that the buildings would be in accordance with the Scottish Governments Technical Standards and would thus comply with the CO₂ emissions requirements. The buildings would be constructed in timber with high levels of insulation to achieve low u-values. The proposed materials would be procured from local suppliers and fabricators.

2.9.6 The waste generated by the proposal would be contained internally then collected under a private refuse and recycling contract.

2.9.7 With regard to travel and transport, the Low Carbon Checklist notes the sustainable travel opportunities within close proximity of the site, with two bus stops on Cumbrae Terrace. It is also noted that a cycle stance would be provided, which is indicatively shown on the proposed drawings. Details of this could be conditioned, if required.

2.9.8 Overall, low carbon and sustainability has been considered as part of the development. The development could therefore be acceptable in this respect and in compliance with NPF4 and FIFEplan, subject to the aforementioned condition.

3.0 Consultation Summary

Parks Development And Countryside	No response.
Scottish Water	No objection.
Trees, Planning Services	No further requirements.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Policy And Place Team (West Fife Area)	Concerns relating to the impact of bakery element on Templehall Local Centre.
Natural Heritage, Planning Services	No objections, subject to conditions.
The Coal Authority	No objections, subject to conditions.
Business And Employability	No objections.
Land And Air Quality, Protective Services	No objections, subject to conditions.
TDM, Planning Services	No objections, subject to conditions.

4.0 Representation Summary

4.1 Seven support comments have been received for this application. The issues raised in the submitted representations are summarised below.

4.2 Material Planning Considerations

4.2.1 Support Comments:

Issue	Addressed in
-------	--------------

	Paragraph
a. creation of jobs and provision of training.	2.2
b. positive economic impacts.	2.2
c. the regeneration of unused land.	2.7
d. sustainability measures proposed including electric vehicle charging spaces and use of low carbon construction materials.	2.9
e. community benefits with provision of additional facilities.	2.2
f. there would be no additional traffic impact.	2.5

5.0 Conclusions

The development would be contrary to Policies 25, 26 and 27 of National Planning Framework 4 (NPF4) (2023) and Policy 1 (Development Principles), Policy 5 (Employment Land and Property) and Policy 6 (Town Centres) of the adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018). The proposal would result in a retail development outwith the town/local centre, which would be to the detriment of the vitality and viability of these areas and the local economy. Overall, the development is contrary to NPF4 and the Local Development Plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of safeguarding existing and future town and local centres. The principle of development is contrary to Policies 27 and 28 of National Planning Framework 4 (2023) and Policies 1 and 6 of the adopted FIFEplan Local Development Plan (2017), as the proposal has the potential to adversely impact on the viability and vitality of nearby town and local centres by introducing retail development outwith a defined centre.
2. In the interests of safeguarding existing and future employment land. The principle of development is contrary to Policy 26 of National Planning Framework 4 and Policies 1 and 5 of the adopted FIFEplan Local Development Plan (2017), as the proposed bakery use would not be compliant with the Class 4, 5 and 6 restrictions of the employment area (KDY023).

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 \(2023\)](#)

Report prepared by Sarah Purves, Chartered Planner and Case Officer

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

Committee Date: 29/05/2024

Agenda Item No. 6

Application for Full Planning Permission

Ref: 24/00624/FULL

Site Address: 1 Main Street Low Valleyfield Dunfermline

Proposal: Erection of two 1.5 storey extensions to rear and side of dwellinghouse, alterations to boundary walls and installation of gate (part retrospective)

Applicant: Ms Sally Featherstone, Westend Cottage 1 Main Street

Date Registered: 16 April 2024

Case Officer: Emma Baxter

Wards Affected: W5R01: West Fife And Coastal Villages

Reasons for Referral to Committee

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

Summary Recommendation

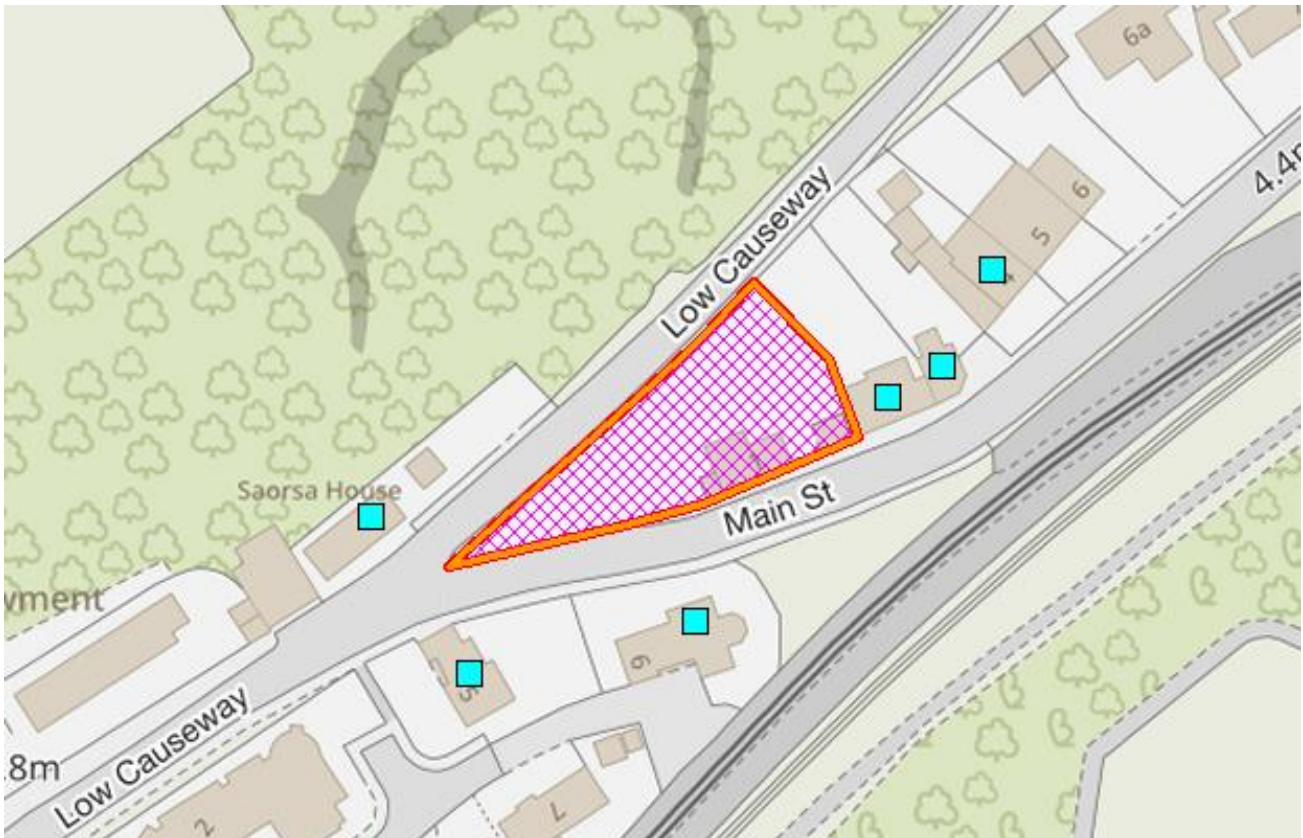
The application is recommended for: Refusal and Enforcement Action

1.0 Background

1.1 The Site

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

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1. This application seeks planning permission for the erection of 1.5 storey extensions to the rear and side of the dwellinghouse and works to the boundary walls, including installation of gate.

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

- Partial demolition of the southern boundary wall including removal of gate & re-instatement of gate pillars
- Partial demolition of the north boundary wall

1.2.3. An application seeking listed building consent for various works including two 1.5 storey extensions, one to the rear (north) and one to the side (west) of the dwellinghouse, installation of a replacement roof, installation of replacement windows, formation of new openings, internal alterations and works to boundary walls including partial demolition and installation of gate has also been submitted.

1.3 Relevant Planning History

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

- Removal of the two existing Victorian extensions to the rear and west side of the property.
- Removal of the existing harling and re-rendering
- Removal of interior stud walls
- Removal of interior tongue and groove ceiling
- Removal of carpets and any 20th century flooring
- Removal of tongue and groove wood panelling and lathe and plaster on interior walls
- Removal of floor and ceiling joists, where found to be compromised.

23/02146/LBC - Listed building consent for total demolition of building – Application Withdrawn.

23/02510/FULL - Planning Permission for two storey extensions to rear and side of dwellinghouse, replacement roof, formation of new openings and internal alterations in accordance with 23/02269/LBC. – Application Withdrawn.

23/02269/LBC - 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) - Application refused by Committee in the interest of preserving the character and historical integrity of this Category B Listed Building - 09/11/23

23/02507/FULL - Erection of two storey extensions to rear and side of dwellinghouse - Application refused by this Committee in the interest of preserving the character and historical integrity of this Category B Listed Building - 09/11/23

24/00625/LBC - Listed building consent for erection of two 1.5 storey extensions to rear and side of dwellinghouse, installation of replacement roof and windows, re-rendering, alterations to boundary walls, installation of gate and formation of new openings – Also before this Committee for determination.

23/00344/ENF - Enforcement case relating to unauthorised roof and window removal - Pending consideration awaiting the outcome of this application and 24/00625/LBC.

1.4 Application Procedures

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

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

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

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 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 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 16: Quality Homes

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

Policy 22: Flood risk and water management

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 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 10: Amenity

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

Policy 12: Flooding and the Water Environment

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

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

[Historic Environment for Scotland's Managing Change in the Historic Environment – Extensions \(2010\)](#)

Planning Customer Guidelines

Daylight and Sunlight

Garden Ground

Minimum Distances between Window Openings

Windows in Listed Buildings and Conservation Areas

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact on the Listed Building
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage

2.2 Principle of Development

2.2.1. Policy 1 of the adopted FIFEplan (2017) applies in regard to the principle of development.

2.2.2. In simple land use terms, the principle of development meets the requirements of the Development Plan and national guidance by virtue of the site being situated within the defined settlement boundary of Low Valleyfield as defined in the Adopted FIFEplan - Fife Local Development Plan (2017), where there is a presumption in favour of development. Notwithstanding this, the overall acceptability of the application is subject to the development satisfying other policy criteria such as amenity, and other matters all of which are considered in detail below.

2.3. Design And Layout / Visual Impact on the Listed Building

2.3.1. NPF4 Policies 7 and 14, FIFEplan Policies 1, 10 and 14, Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018), Historic Environment for Scotland's Managing Change in the Historic Environment – Windows (2018), Historic Environment for Scotland's Managing Change in the Historic Environment – Extensions (2010) and Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 apply in regard to design and visual impact on the listed building.

2.3.2. As highlighted above, planning permission is sought for the erection of two extensions. The first would be located to the rear of the property along the northern elevation. This extension would be 1.5 storeys and approximately 6 metres in height, with a footprint of 40 m² (80m² across both storeys). The second extension would be to the west of the site, positioned where the previous flat roof extension was situated (albeit with a slightly larger footprint). This extension would also be 1.5 storeys in height (5.7 metres) with a footprint of 18m² (36m² across both storeys). Both extensions would be finished in zinc cladding, with aluminium casement windows and rooflights.

2.3.3. As highlighted earlier in this report, the property has undergone substantial changes in the 20th century, resulting in the loss of a considerable portion of its original fabric and as such the desire to redevelop the B-listed property and see it brought back into use is welcomed. It is also accepted that the proposed development would be an improvement in comparison to the scheme as proposed under 23/02269/LBC and 23/02507/FULL. Notwithstanding this, it is considered that the proposed development as submitted by the applicant would fail to preserve or enhance the character of the Listed Building and is therefore not acceptable. The proposal is inconsistent with its design approach through the adoption of modern materials yet traditional proportions. Furthermore, the way in which the rear extension ties into the existing cottage further serves to undermine the character of the cottage and confuse the distinction between the new and the old. The proposed extensions would also not be considered subservient to the existing cottage. Furthermore, whilst this extension would be to the rear, given that the site is situated on a triangular corner plot between two roads, the western elevation of this extension would be extremely visible along Main Street when entering from Culross to the west. Overall, it is considered that the two proposed extensions to Westend Cottage would fail to preserve and enhance the character and historic interest of the B-listed building and are therefore not supported.

2.3.4. Retrospective consent is also sought for the demolition of part of the southern and northern boundary walls and their rebuilding. An approximate 3.7 metre gap was formed in the northern boundary wall of the site to allow for better access during the construction phase. It is advised that the removed stone has been retained and would be used for reinstatement once the works are complete. Moreover, the southern boundary wall was partially demolished, and the existing access gate removed, again to allow for better access during the construction phase. The gate pillar has already been reinstated with stone and a new 3 meter wide, 2-meter-high timber gate is proposed to be installed. It is unclear at this time what kind of mortar is proposed to be used to conduct the repair works to the boundary walls, nor how the proposed new gate would be fixed to the stone. However, it is accepted that were the proposed development considered acceptable in all other regards, submission of these details could be conditioned to ensure appropriate materials and methods were used. As such, it is not considered appropriate to include this lack of information within the reasons for refusal.

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

2.4 Residential Amenity

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

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

2.4.3. Fife Council Planning Customer Guidelines on Garden Ground recommends that residential developments have a useable garden space of at least 100m² per dwellinghouse. Moreover Fife Council's Garden Ground guidance (2016) states that any extensions should not take up more than 25% of your original, private garden. The proposed development would occupy approximately 10% of the rear garden ground of Westend cottage as well as retaining well over 500 m² of useable garden ground. The proposal would therefore be considered acceptable in this regard.

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

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

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

2.6 Flooding and Drainage

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

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

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

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

3.0 Consultation Summary

Scottish Water

No objections

4.0 Representation Summary

4.1 None

5.0 Conclusions

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

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

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

and

That the appropriate enforcement action be taken with respect to the unauthorised works.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

National Guidance:

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

Historic Environment for Scotland Managing Change in the Historic Environment – Extensions (2010)

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

Development Plan:

Adopted FIFEplan (2017)

National Planning Framework 4 (2023)

Other Guidance:

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

Minimum Distance Between Window Openings (2016)

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

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

Report prepared by Emma Baxter, Chartered Planner & Case Officer

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

Committee Date: 29/05/2024

Agenda Item No. 7

Application for Listed Building Consent

Ref: 24/00625/LBC

Site Address: 1 Main Street Low Valleyfield Dunfermline

Proposal: Listed building consent for erection of two 1.5 storey extensions to rear and side of dwellinghouse, installation of replacement roof and windows, re-rendering, alterations to boundary walls, installation of gate and formation of new openings

Applicant: Ms Sally Featherstone, Westend Cottage 1 Main Street

Date Registered: 16 April 2024

Case Officer: Emma Baxter

Wards Affected: W5R01: West Fife And Coastal Villages

Reasons for Referral to Committee

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

Summary Recommendation

The application is recommended for: Refusal and Enforcement Action

1.0 Background

1.1 The Site

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

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1. This application seeks listed building consent for various works including two 1.5 storey extensions, one to the rear (north) and one to the side (west) of the dwellinghouse, installation of replacement roof, installation of replacement windows, formation of new openings, internal alterations and works to boundary walls including partial demolition and installation of a gate.

1.2.2. This application also seeks to regularise some works have already taken place to the property without listed building consent. These include;

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

1.2.3. An application seeking planning permission for the erection of 1.5 storey extensions to rear and side of dwellinghouse and works to boundary walls, including installation of gate (24/00624/FULL) has also been submitted.

1.3 Relevant Planning History

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

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

- Removal of interior stud walls
- Removal of interior tongue and groove ceiling
- Removal of carpets and any 20th century flooring
- Removal of tongue and groove wood panelling and lathe and plaster on interior walls
- Removal of floor and ceiling joists, where found to be compromised.

23/02146/LBC - Listed building consent for total demolition of building – Application Withdrawn.

23/02510/FULL - Planning Permission for two storey extensions to rear and side of dwellinghouse, replacement roof, formation of new openings and internal alterations in accordance with 23/02269/LBC. – Application Withdrawn.

23/02269/LBC - 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) – Application refused by this Committee in the interest of preserving the character and historical integrity of this Category B Listed Building - 09/11/23

23/02507/FULL - Erection of two storey extensions to rear and side of dwellinghouse - Application refused by this Committee in the interest of preserving the character and historical integrity of this Category B Listed Building - 09/11/23

24/00624/FULL - Erection of two 1.5 storey extensions to rear and side of dwellinghouse, alterations to boundary walls and installation of gate (part retrospective) – Also before this Committee for determination.

23/00344/ENF - Enforcement case relating to unauthorised roof and window removal - Pending consideration awaiting the outcome of this application and 23/00624/FULL.

1.4 Application Procedures

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

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

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

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 7: Historic assets and places

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

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 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

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

Historic Environment for Scotland's Managing Change in the Historic Environment – Extensions (2010)

Supplementary Guidance

Windows in Listed Buildings and Conservation Areas

2.0 Assessment

2.1 Relevant Matters

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

- Design and Layout/Visual Impact on the Listed Building

2.2 Design And Layout / Visual Impact on the Listed Building

2.2.1. NPF4 Policy 7, FIFEplan Policies 1, 10 and 14, Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018), Historic Environment for Scotland's Managing Change in the Historic Environment – Windows (2018), Historic Environment for Scotland's Managing Change in the Historic Environment – Extensions (2010) and Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 apply in regard to design and visual impact on the listed building.

2.2.2. Historic Environment Scotland was consulted on the application and neither formally supported nor objected to the proposal. HES has advised that the reduction in height of both extensions & reduced footprint of the rear extension in comparison to the scheme as proposed under 23/02507/FULL & 23/02269/LBC is welcomed and helps mitigate the impact of the extensions. Moreover, the inclusion of a dummy door in the position of the existing principal

entrance is also welcomed. However, Historic Environment Scotland advised that in order for a more subsidiary appearance to be achieved, and to help further reduce their height, a hipped roof for both extensions should be considered.

2.2.3. Fife Council's Built Heritage team was also consulted on the application and advised that whilst supportive of the principle of refurbishing the building in a sympathetic manner, the scheme as proposed under this application is not supported. Built Heritage Officer's advised that the proposals, through their scale, massing and materials used would fail to comply with NPF4 Policy 7(c) and Historic Environment Scotland's (HES) guidance on extensions.

2.2.4. As highlighted above, listed building consent is sought for the erection of two extensions. The first would be located to the rear of the property along the northern elevation. This extension would be 1.5 storeys and approximately 6 metres in height, with a footprint of 40 m² (80m² across both storeys). The second extension would be to the west of the site, positioned where the previous flat roof extension was situated (albeit with a slightly larger footprint). This extension would also be 1.5 storeys in height (5.7 metres) with a footprint of 18m² (36m² across both storeys). Both extensions would be finished in zinc cladding with aluminium casement windows and rooflights.

2.2.5. As highlighted earlier in this report, the property has undergone substantial changes in the 20th century, resulting in the loss of a considerable portion of its original fabric and as such the desire to redevelop the B-listed property and see it brought back into use is welcomed. It is also accepted that the proposed development would be an improvement in comparison to the scheme as proposed under 23/02269/LBC and 23/02507/FULL. Notwithstanding this, it is considered that the proposed development as submitted by the applicant would fail to preserve or enhance the character of the Listed Building and is therefore not acceptable. The proposal is inconsistent with its design approach through the adoption of modern materials yet traditional proportions. Furthermore, the way in which the rear extension ties into the existing cottage further serves to undermine the character of the cottage and confuse the distinction between the new and the old. The proposed extensions would also not be considered subservient to the existing cottage. Furthermore, whilst this extension would be to the rear, given that the site is situated on a triangular corner plot between two roads, the western elevation of this extension would be extremely visible along Main Street when entering from Culross to the west. Overall, it is considered that the two proposed extensions to Westend Cottage would fail to preserve and enhance the character and historic interest of the B-listed building.

2.2.6. As part of this series of works, it is also proposed to remove the existing main door currently located on the principal elevation and replace this with a non-functioning 'dummy door' which would have a grey aluminium finish. The primary entrance would be relocated to the eastern elevation of the proposed rear extension. Whilst it is acknowledged that the current door on the southern elevation does not appear to be original, the retention of an entrance on the street-facing principal elevation of the building is considered to be an important historic feature. Furthermore, a doorway here would be considered important in identifying this structure as the main house in the context of the proposed extensions. As such, the retention of a door feature in this location is welcomed. Notwithstanding this, it is considered that the proposed use of modern materials for this element of works would not be appropriate for the B-listed property. In light of the above it is considered that these works would fail to conserve and enhance the historic character of Westend Cottage and are therefore not supported.

2.2.7. This application also seeks to regularise the unauthorised removal of the existing windows and the installation of replacement windows. The applicant states that the existing (non-original) windows could not be re-used as they no longer fit the openings once the exterior cement render had been removed. These windows were removed without listed building consent and therefore their condition cannot be commented on, however from photographs provided it is understood the majority of them were two over two, timber sash and case

windows. Two windows were four over four windows (one on the west elevation and one on the south). The proposed replacement windows would be two over two, slimline, double glazed, vertically sliding, timber sash and case throughout the original Westend Cottage. Whilst the exact nature of the previous windows is unknown, the replacement windows would be considered traditionally accurate in terms of material, opening method etc. This aspect of the proposed works would therefore be considered to preserve the character & historic fabric of the B-listed building and is therefore considered acceptable.

2.2.8. The existing roof was finished in terracotta clay tiles, which were not believed to be original, rather it is understood these works were carried out around the 1980s. It is proposed to reinstate the roof with clay pan tiles. The proposed roof tiles would not result in any additional harm to the character or fabric of the building. Notwithstanding the above, as highlighted within paragraph 1.2.2. of this report, the unauthorised removal of Westend Cottage's roof structure has taken place, in addition to the partial formation of a new roof structure. No information has been provided regarding these works in terms of how it is proposed to install the new roof structure. The agent was requested to submit further details of these works however this has not been done. As such, it is considered that there is insufficient information to demonstrate that these works would not harm the fabric of the listed building.

2.2.9. The proposed floor plans show the formation of new internal walls and staircase. No further details have been provided in regard to these works in terms of materials proposed for the new walls, insulation etc. The agent was asked to submit additional details of these works to address the concerns of the planning authority however this has not been done. As such, the proposal is not supported in the interest of preserving the historic fabric of this Category B listed building as it is considered that there is insufficient information that illustrates the proposed internal works would not harm the character or fabric of the listed building.

2.2.10. This application also seeks to regularise the unauthorised demolition of part of the southern and northern boundary walls and their rebuilding. An approximate 3.7 metre gap was formed in the northern boundary wall of the site to allow for better access during the construction phase. It is advised that the removed stone has been retained and would be used for reinstatement once the works are complete. Moreover, the southern boundary wall was partially demolished, and the existing access gate removed, again to allow for better access during the construction phase. The gate pillar has already been reinstated with stone and a new 3 meter wide, 2-meter-high timber gate is proposed to be installed. It is unclear at this time what kind of mortar is proposed to be used to conduct the repair works to the boundary walls, nor how the proposed new gate would be fixed to the stone. However, it is accepted that were the proposed development considered acceptable in all other regards, submission of these details could be conditioned to ensure appropriate materials and methods were used. As such, it is not considered appropriate to include this lack of information within the reasons for refusal.

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

- Widening an existing door opening along the northern elevation at ground floor level by approximately 0.5 metres to form French doors.
- Create a new 1.6 metre door opening at first floor level on the north elevation to connect into the proposed extension.
- Extend an existing window opening at first floor level on the west elevation to form a doorway.

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

2.2.12. Finally, it is proposed to re-render the original Westend Cottage. The applicant has advised that it is proposed to finish the cottage in an Ochre render, however the type of the render has not been specified. Similarly to the proposed works to the boundary walls, it is accepted that were the proposed development considered acceptable in all other regards, submission of this detail could be conditioned to ensure an appropriate render was used. As such, it is not considered appropriate to include this within the reasons for refusal.

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

3.0 Consultation Summary

Built Heritage, Planning Services

Recommended refusal.

Historic Environment Scotland

Neither formal support nor objection

4.0 Representation Summary

4.1 None

5.0 Conclusions

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

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

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

and

That the appropriate enforcement action be taken with respect to the unauthorised works.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

National Guidance:

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

Historic Environment for Scotland Managing Change in the Historic Environment – Extensions (2010)

The Historic Environment Scotland Policy Statement (2016)

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

Development Plan:

Adopted FIFEplan (2017)

National Planning Framework 4 (2023)

Other Guidance:

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

Report prepared by Emma Baxter, Chartered Planner & Case Officer

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

Committee Date: 29/05/2024

Agenda Item No. 8

Application for Approval Required by Condition(s) **Ref: 20/03227/ARC**
Site Address: **Land To South Of Riverside Terrace Kincardine****Proposal:** **Application for approval of matters specified by condition 1 of 17/02330/PPP for erection of 507 dwellinghouses (including 80 affordable units), 36 flatted dwellings, retail units and associated access, roads, parking, open space, SuDS, landscaping, public art and infrastructure****Applicant:** **Kex Holdings Ltd, 50 Drymen Road Bearsden****Date Registered:** **8 February 2021****Case Officer:** **Bryan Reid****Wards Affected:** **W5R01: West Fife And Coastal Villages**

Reasons for Referral to Committee

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

Summary Recommendation

The application is recommended for: Conditional Approval requiring an amended legal agreement

1.0 Background

1.1 The Site

1.1.1 The application site extends to approximately 35 hectares of non-prime agricultural land to the south of Riverside Terrace, Kincardine. The site slopes gently from the north of the site towards the River Forth to the south of the site, although there is a steep gradient change at the site's most northern point. The A985 (Kincardine bypass) passes through the site from Longannet roundabout towards Kincardine Bridge. The site is bounded to the north by Toll Road (A977), a Cemetery, and the eastern settlement edge of Kincardine with predominantly 1970's and 1980's housing. To the south of the site lies the River Forth across an area of rough grassland. The site is located within an area identified by the Coal Authority as a Development High Risk Area, with the site also identified by Fife Council as being potentially contaminated in areas. As with much of the southern edge of Kincardine, the application site is considered to be

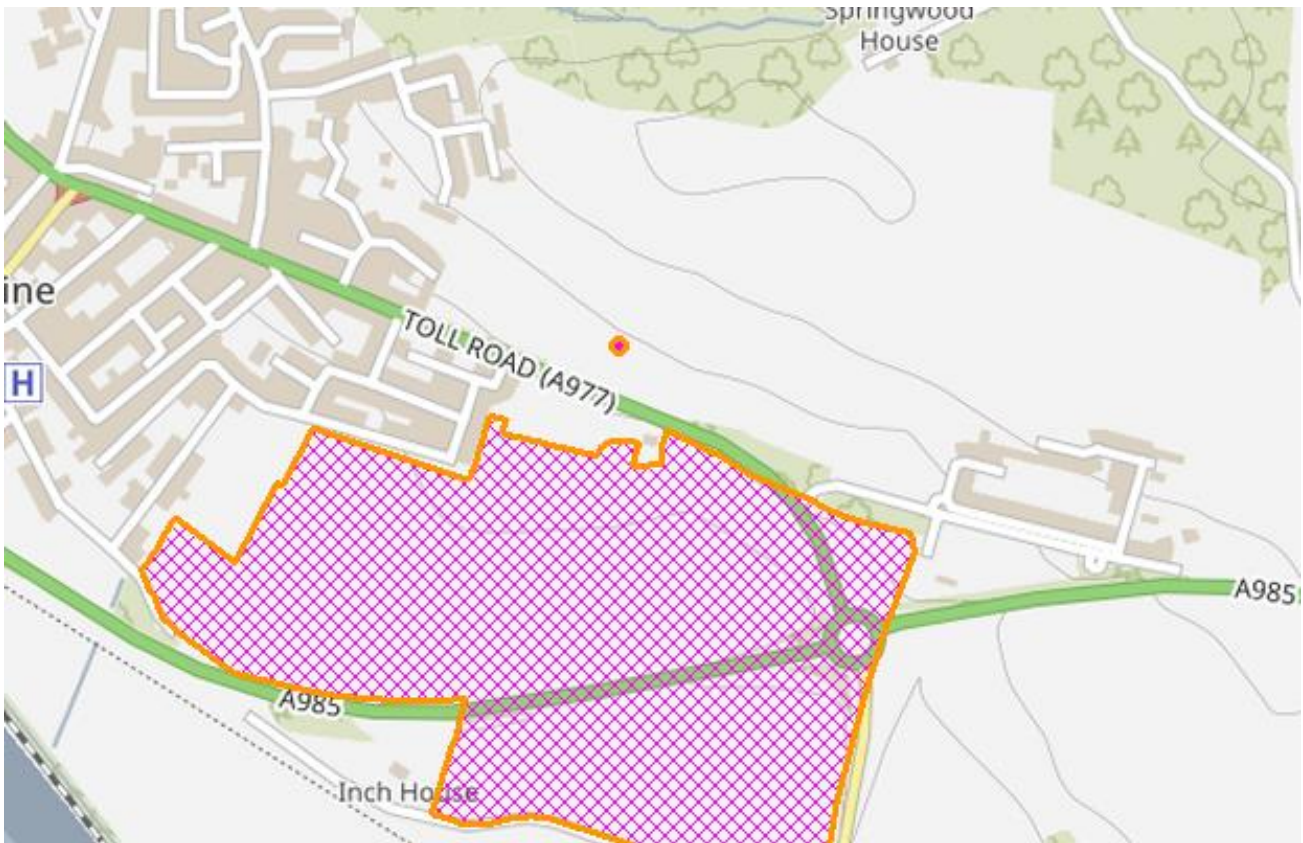
at risk of coastal flooding per the SEPA flood maps, with the site also shown to be at risk of fluvial flooding. A traditional farmhouse building is located adjacent to the northern site boundary (within land owned by the applicant). The Category B listed Inch House is adjacent to the section of the site south of the A985. The land to the north of Toll Road comprising of steeply sloping (north to south) agricultural land, with Tulliallan Woodland beyond.

1.1.2 The site is identified for development and described as the Kincardine Expansion Area within the Adopted FIFEplan (2017) - KCD002 and KCD003. The site is subject to a Development Brief (May 2004) which sets out broad design parameters for the site. The Adopted FIFEplan splits the Kincardine Expansion development into two phases; Phase 1 is identified as KCD002 with an estimated capacity of 300 units over 10.5ha, with Phase 2 identified as KCD003 with an estimated capacity of 190 units over 4.5ha. The site allocation(s) additionally set out that the development should include the below infrastructure, informed by the 2004 Development Brief:

- the provision of 50 affordable housing units.
- a community facilities contribution.
- a phasing plan including the delineation of the site boundaries to include only the land allocated through the local plan.
- the provision of a fully-accessed serviced business park.
- the provision of a neighbourhood park.
- landscaping of the site.
- set-aside land for the extension of the cemetery.
- a new local access road between Walker Street and Toll Road.
- the provision of a site for a shop/general convenience store.
- the provision of a site for recycling.
- diversion of the existing overhead power line outwith the site.

1.1.3 The application site boundary for this approval of matter specified in conditions (AMSiC) application reflects that of the planning permission in principle (PPP), however the development proposed through this application is limited to the area of land north between the A985 and Toll Road; measuring approximately 20ha.

1.1.4 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 The proposed development comprises the erection of 507 dwellings (including 80 affordable units), 36 flatted dwellings, 3 retail units and associated access, roads, parking, open space, SuDS, landscaping, public art and infrastructure. The application has been submitted as an AMSiC in accordance with condition 1 of application 17/02330/PPP.

1.2.2 A large variety of house types and sizes are proposed, with properties consisting of 2, 3, 4 and 5 bedroom terraced, semi-detached and detached dwellings, as well as four blocks of flats comprising 1, 2 and 3 bedroom units. The affordable units would be grouped together across two areas of the site. With regard to materials, the development has been divided into six character areas, each of which would have its own distinctive finishing materials (and in some instances unique house types). Finishing materials for residential properties would generally consist of rendered walls, with feature stone enhanced elevations. The majority of residential units would be of a modern volume housebuilder design, however a number of bespoke, architecturally designed units, are also proposed. The proposed neighbourhood centre would comprise of three single storey terraced retail units arranged in an approximate 'L' shape finished with a random rubble stone walls and slate effect roof tiles, with large shopfront windows. A public recycling area is proposed to the rear of the retail units.

1.2.3 The proposed development would be designed around a primary, 6m wide, spine road linking Walker Street and Toll Road. A hierarchy of streets is proposed, with the neighbourhood centre and majority of residential properties accessed by secondary and tertiary roads leading from the spine road. Off-street parking would primarily be provided by in-curtilage front of house spaces, however a number of parking courts are also proposed.

1.2.4 The proposed development features (part of) a large neighbourhood park and numerous pocket parks spread throughout the site. The public art proposals would be integrated into the

design of the open space areas. Street trees are proposed along roads, with areas of woodland planting proposed to the eastern and northern site boundaries.

1.2.5 The development has been designed to respond to the sloping nature and flood risks of the site. The proposed site levels follow as much as possible the existing gradient of the site, with a south-westerly direction, to limit the amount of cut and fill required, however some areas of platforming and land raising are proposed. Properties within the flood risk area would feature a freeboard.

1.2.6 Surface water runoff from the site would ultimately discharge to the Firth of Forth via an existing drainage ditch to the west. It is proposed to discharge the surface water from Lots 3, 4, 5, 6, 7 and the spine road via underground pipes, filter drains and SuDS basins and ponds, with Lots 1 and 2 discharging into a SuDS basin followed by a proposed ditch (which would run from east to west, along the south of Lot 3) before tying into the existing ditch.

1.3 Relevant Planning History

1.3.1 Planning permission in principle was approved by the South West Area Committee in June 2007 for a mixed use development comprising residential units, the provision of a Class 4 business park, public open space, community facilities, associated roads and SUDS infrastructure (07/00252/PPP). The associated legal agreement was concluded in November 2010. This permission was granted for 3 years and therefore had a time limit until November 2013 before expiry.

1.3.2 In May 2013 an application (13/00357/PPP) was granted by the West Planning Committee to allow a further year until the application expiry date (November 2014). The renewal application was permitted with the same conditions (excepting only to allow an additional year to the permission's expiry date) and a further legal agreement (with all the same requirements as the original) was also agreed.

1.3.3 In February 2015 an application (14/03756/PPP) was granted by the West Planning Committee to allow a further 2 years until the application expiry date. This extended the planning permission to 14 January 2017 by way of planning condition. The planning permission continued the legal agreement from the previous planning permissions.

1.3.4 In October 2017 a Section 42 application (17/02330/PPP) was granted by the West Planning Committee to delete Condition 2 of 14/03756/PPP to extend the timescale to commence development. Through this application, additional key changes to the planning permission and associated legal agreement were approved in accordance with the updated development plan, increased flood risk of the site, and development viability issues given the extensive remediation, grouting and high infrastructure costs associated with developing the site. Key changes/updates include:

- A condition to prevent development, other than infrastructure works, on land to the south of the A985.
- Financial contribution towards funding the provision of employment land in lieu of the requirement to deliver a business park within the site.
- Financial contribution towards funding an alternative site to provide a cemetery in the local area in place of the requirement to deliver an extension to the existing Tulliallan Cemetery within the site.
- Confirmation through the Legal Agreement that the affordable housing requirement for the development can be provided off-site (elsewhere in Kincardine).

- Confirmation within the Legal Agreement of the level of financial contribution required for education infrastructure.

The items covered in the Legal Agreement attached to permission 17/02330/PPP are:

- The provision of affordable housing units offsite in the first instance;
- The payment of an education contribution;
- The payment of a community facility contribution;
- The submission of a phasing plan;
- The payment of a business park contribution;
- The provision of a neighbourhood park;
- The provision of landscaping;
- The payment of a cemetery contribution;
- The completion of the link road between Walker Street and Toll Road;
- The provision of a neighbourhood centre including shop;
- The provision of a recycling area;
- The removal of the pylons from the site.

1.3.5 In December 2020, an application for planning permission was submitted for erection of 24 residential flats, formation of access and associated infrastructure - 20/03229/FULL. This application was submitted in order to address access issues associated with the site boundary of the PPP application. This application is currently being assessed by the Planning Authority.

1.3.6 In December 2020, an application for planning permission was submitted for formation of public park, including associated equipment, engineering works and infrastructure – 20/03230/FULL. This application was submitted to provide a neighbourhood park for the Kincardine Eastern Expansion and address access issues associated with the site boundary of the PPP application. This application was approved under delegated powers in January 2024.

1.3.7 Members should also be advised of application 20/03228/FULL which was submitted by the applicant for erection of 125 affordable residential units and associated engineering, access and landscaping on land to the north of Toll Road. The application was submitted to provide the off-site affordable housing requirements for the Kincardine Eastern Expansion. It is expected that this application will be withdrawn by the applicant as the affordable housing units are now proposed on-site (included as part of application 20/03227/ARC) following updates to the proposal.

1.4 Application Procedures

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

1.4.2 As an AMSiC, this development needs to receive a formal permission, but it is not in itself planning permission. Any permission granted is read entirely in accordance with the terms of

the PPP. Additionally, as an AMSiC application, the applicant was not required to submit a Proposal of Application Notice (PAN), nor carry out any public consultation events.

1.4.3 The application was advertised in the courier on 18th February 2021 for neighbour notification purposes. Following the submission of revised plans and additional information, the application was re-advertised on 22nd February 2024 in accordance with Section 32A(4) of the Town and Country Planning (Scotland) Act 1997 (as amended).

1.4.4 The application site was visited by the case officer to inform the assessment of the proposed development. To aid Elected Members in their determination of the application, the Council's photographer has also visited the site to gather drone footage.

1.4.5 Any references within this report to the 'Kincardine Eastern Expansion development' should be taken as the overall development proposed through this application and related applications 20/03229/FULL and 20/03230/FULL.

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 5: Soils

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

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 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 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20 minute neighbourhoods

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

Policy 16: Quality Homes

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

Policy 18: Infrastructure first

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

Policy 19: Heat and cooling

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 21: Play, recreation and sport

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

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 27: City, town, local and commercial centres

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

Policy 28: Retail

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

Policy 31: Culture and creativity

To encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

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 2: Homes

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

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 4: Planning Obligations

Outcomes: New development provides for additional capacity or improvements in existing infrastructure to avoid a net loss in infrastructure capacity.

Policy 6: Town Centres First

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

PAN 1/2011: Planning and Noise

PAN 2/2010: Affordable Housing and Housing Land Audits

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

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Scottish Government Designing Streets (2010)

REHIS Briefing Note 017 Noise Guidance for New Developments

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: Affordable Housing (2018)

Supplementary Planning Guidance on Affordable Housing sets out requirements for obligations towards affordable housing provision from housing development in Fife.

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

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

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

Planning Obligations guidance seeks to ensure that new development addresses any impacts it creates on roads, schools and community facilities. It assists the development industry to better understand the costs and requirements that will be sought by Fife Council and provides certainty to communities and public bodies that new development will have no negative impact.

Planning Customer Guidelines

Developing Brownfield Sites

Coal Mining Areas

Daylight and Sunlight

Design and Access Statements

Garden Ground

Trees and Development

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development / Compliance with PPP
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Sustainability
- Archaeology
- Affordable Housing
- Education
- Open Space and Play Areas
- Public Art
- Strategic Transport Interventions
- Other Infrastructure Considerations
- Phasing

2.2 Principle of Development / Compliance with PPP

2.2.1 NPF4 (2023) Policies 5, 9, 15, 16 and 28, FIFEplan (2017) Policies 1 and 2, Fife Council's Strategic Housing Investment Plan 2023/24 - 2027/28, Fife Council's Housing Land Audit (HLA) 2022 and the Housing Need and Demand Assessment 2 (HNDA2), and the requirements of the PPP apply with regard to the principle of development for this proposal.

2.2.2 The principle of development does not ordinarily need to be considered for an AMSiC application given it has already been considered acceptable through the approval of a PPP (17/02330/PPP), however on this occasion it is considered relevant to assess the mix of land uses and total number of units proposed against the Development Plan and PPP. The application has been submitted under condition 1 of 17/02330/PPP. Condition 1 sets out the information which is required to be submitted in support of any AMSiC application:

- a) A location plan of all the site to be developed at a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers, and the position of all buildings;
- b) A detailed plan of a scale of not less than 1:1000 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, including the proposed affordable housing units, the position of the re-located electricity pylons, finished floor levels, new walls and fences, details of proposed landscape treatment, and a phasing plan with accompanying statement for all proposed works on site;
- c) Detailed plans, sections and elevations of all buildings to be erected on the site, together with details of the proposed method of drainage and the colour and type of materials to be used on walls and roofs.
- d) A permeability masterplan, detailing continuous pedestrian and cycle routes through the site and between areas of public open space commensurate with the approved development brief of May 2004. FOR THE AVOIDANCE OF DOUBT, and notwithstanding the phasing of the overall development, this plan shall include pedestrian and cycle routes to the village of Kincardine from the development site throughout the long term development of the Eastern Expansion.
- e) A three dimensional fly-through of the proposals, beginning at the point marked 'A' and finishing at the point marked 'B' on plan 2 of the approved development brief of May 2004.
- f) A legibility masterplan highlighting ALL road junctions within the application site, and the location of the houses prescribed by condition 7 below. The plan shall be submitted with an associated appendix detailing a range of landscaping and gateway features for implementation at a number of junctions to be agreed in writing by the Planning Authority. The features should reflect the need for interest and differentiation across the site in accordance with the approved development brief of May 2004. FOR THE AVOIDANCE OF DOUBT, this plan shall include the junction entrances between the site and both the A985 to the north and Walker Street to the West.
- g) A detailed plan of the neighbourhood park, showing landscaping, boundary treatments, the multi-use games area, and the kick-about pitch to be incorporated therein. The plan shall also indicate the location of cycle racks, sufficient in number to accord with Fife Council's Transportation Development Guidelines, and shall be accompanied by a series of photo montages illustrating how views can be retained from this principle area of public open space to: The Kincardine Clock Tower; the Kincardine Bridge; Inch House and the River Forth.
- h) A plan on a scale no larger than 1:1000 illustrating the siting of the areas of informal open space and landscaping as required by the development brief of May 2004. This plan shall be accompanied by a supporting statement. The statement shall explain the utility of these areas of open space for a broad range of users that includes: toddlers, young children, teenagers, adults and older people.
- i) A plan on a scale no larger than 1:1000 detailing the proposed tree planting required by the approved development brief of May 2004. This plan shall include details of: the

boulevard of trees required to front the local access road; the area of woodland required to be planted along the northern and eastern edges of the site to create a distinctive edge to the development; and the beech and oak plantation to be sited on the knoll of the ridge adjacent to Riverside Terrace.

j) An arboreal report compiled by a qualified tree specialist incorporating: a tree survey of those trees existing on site at present; a management and aftercare plan for those trees newly planted as prescribed by condition 1 (i) above; and a phasing and scheme of works detailing the scheduling of trees and hedges to be planted.

k) Details of the proposed measures for the management of surface water run-off from the site. Such measures shall be designed in accordance with the Sustainable Urban Drainage Systems Approach and shall be in accordance with the CIRIA Manual 'Sustainable Urban Drainage Systems Manual for Scotland and Northern Ireland' and shall be suitable in terms of minimising flood risk.

l) Detailed transportation design drawings, including road profiles and sections.

m) A comprehensive plan at a scale of no greater than 1:500 indicating the layout of the area identified in the approved development brief as 'the Local Centre'. This plan shall include: an indicative location for the anticipated supermarket; a comprehensively bounded compound with space designated for recycling bins for glass, paper, fabrics, packaging and cans; the location of a post box; and sufficient cycle racks to accommodate the bicycles of those who choose to cycle to the Local Centre, commensurate with Fife Council's Transportation Development Guidelines.

n) A site specific contaminated land risk assessment. The assessment shall include the relevant testing of soils, waters, gases/vapours in order to adequately characterise the potential type, nature and scale of contamination associated with the site. The details shall include recommendations on remedial measures to address the outcomes of such investigations. The site assessment should be carried out in accordance with the provisions of Planning Advice Note 33 (Revision 2000): 'Development of Contaminated Land' and other relevant contaminated land technical guidance such as the relevant DEFRA Industry Profiles, BS10175: 2001 'Investigation of Potentially Contaminated Sites'; Code of Practice and Environment Agency/NHBC 'Guidance for the Safe Development of Housing on Land Affected by Contamination' (R and D Publication 66). Other useful information is provided by the Fife Council 'Development Contaminated Land within Fife - A Guide to Submitting Planning Applications to Develop Land which may be contaminated.'

o) Details of all ground works. Such details shall include details of any proposals to carry out grouting works. Such works shall incorporate appropriate measures to ensure that any adverse impact on neighbouring residential properties due to transmission of noise and dust etc is avoided. The details shall include a plan indicating the location of all ground works and the proposed phasing of such works;

p) 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;

q) Details and specifications of the protective measures necessary to safeguard the trees on the site.

- r) Details of the future management and aftercare of the proposed landscaping and planting.
- s) Details of a scheme of public art shall be provided for the written approval of this Planning Authority, including details of size, location, design, illumination and phasing. The public art will then be constructed in accordance with the approved details.
- t) A detailed Flood Risk Assessment for the whole site, assessing the proposed development of the entire site in relation to the provisions of Scottish Planning Policy. This Flood Risk Assessment shall include:
- i. In plan form, details of areas defined as low-medium, and medium-high risk areas as defined within Scottish Planning Policy, and
 - ii. Details of all flood mitigation measures proposed, alongside long term maintenance of such measures.
- No work shall be started on site until the written permission of this Planning Authority has been granted for these proposals, or such other details as may be required.
- u) A Coal Mining Risk Assessment

2.2.3 The application has been supported by each of the above documents and therefore meets the submission requirements of Condition 1 of the PPP. Conditions 3, 26 and 27 set out further requirements for relevant information to be submitted with AMSiC applications, with the application compliant with these submission requirements.

2.2.4 Condition 2 of the PPP sets out that the development requires to be carried out in accordance with the Development Brief for the site, with the exception of provisions relating to development footprint, years attributed to each phase and development on land to the south of the A985. The 2004 Development Brief details that the estimated capacity of the site is 350 units, with the development to include a neighbourhood park, a local centre (with supermarket and recycling area), open space, landscaping and a road link between Walker Street and Toll Road. The Development Brief also sets out various design and layout recommendations for the development. The key requirements of the Development Brief, of what the development should include and how it should look, are largely reflected in the Legal Agreement and conditions 4-10 of the PPP. How the application responds to the design requirements of the Development Brief and conditions shall be discussed in detail under the relevant headings in the preceding sections of this report.

2.2.5 Conditions 12-25 set out requirements for the design and timing of delivery for roads within the site and upgrades to the surrounding road network. Compliance with these conditions shall largely be covered in Section 2.5 of this report.

2.2.6 Despite the Development Brief estimating the capacity of the site considered to be 350 units, the total number of units was not defined in the application description, Legal Agreement or any conditions for application 17/02330/PPP (nor the previous iterations of the permission), with it also noted that the Legal Agreement supports development beyond 350 units. It is therefore considered that the 350 unit figure within the Development Brief is not binding and a development of more than 350 units can be delivered on site in accordance with condition 2 of 17/02330/PPP. Furthermore, the combined FIFEplan (2017) site allocation (KCD002 and KCD003) details that the estimated capacity of the site is 490 units, with the HLA 2022 also identifying the site for 490 units. This application proposes 543 residential units, however it is noted that an additional 24 units are proposed by the applicant through application

20/03229/FULL, meaning a total of 567 residential units are proposed across the Kincardine Eastern Expansion. In addition to the residential units, the AMSiC application proposes a neighbourhood centre (including 3 retail units and recycling area), landscaping, areas of open space, (part of) a neighbourhood park and spine road linking Walker Street with Toll Road (via areas of land included within applications 20/03229/FULL and 20/3230/FULL). The remainder of the neighbourhood park was proposed (and approved) within application 20/03230/FULL.

2.2.7 Giving regard to the 2004 Development Brief, conditions and Legal Agreement for application 17/02330/PPP, above Development Plan policies and FIFEplan site allocation requirements, it is considered that the mix of uses and infrastructure proposed in this application is acceptable in principle. It is noted that the FIFEplan site allocation requirements include the need for a business park and land for extending the cemetery, however these requirements can be set aside per the assessment of application 17/02330/PPP; where it was confirmed that financial contributions can be made in place of on-site provision. Whilst the total number of units proposed across the Kincardine Eastern Expansion exceeds the 490 unit capacity identified in the FIFEplan site allocation(s), the 567 units proposed is considered to be acceptable in principle, noting the previously accepted development viability issues associated with the site and the need to maximise the use of land. It is also recognised that the applicant has been unable to find a suitable site elsewhere within Kincardine to deliver the affordable housing units for this development, meaning that a portion of the application site requires to be used for delivering affordable housing. The implications of the increased number of units on the design and layout of the development, and additional infrastructure requirements and necessary financial contributions, shall be assessed the relevant headings in the following sections of this report.

2.2.8 Overall, it is considered that, in principle, the proposed development complies with the 2004 Development Brief and Development Plan requirements for the site, and has met the general submission requirements for the relevant conditions where appropriate. The details submitted to meet the required matters specified in the conditions shall be considered in the subsequent sections of this report.

2.3 Design And Layout / Visual Impact

2.3.1 NPF4 (2023) Policies 3, 4, 12, 13, 14, 15, 16, 20, 21 and 23, FIFEplan Policies 1, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018) and Designing Streets (2010) apply with consideration of the design and layout of the proposed development.

2.3.2 Conditions 1(a, b, c, d, e, f, g, h, i, l, m, o, p, s), 3, 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14 of 17/02330/PPP are considered to be relevant when considering the design and visual impact of the proposed development:

1. A further application for certain matters (Approval of Matters Specified by Condition) shall be submitted for the written permission of this Planning Authority, together with the requisite detailed plans which shall include:-
 - a) A location plan of all the site to be developed at a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers, and the position of all buildings;
 - b) A detailed plan of a scale of not less than 1:1000 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, including the proposed affordable housing units, the position of the re-located electricity pylons, finished floor levels, new walls and fences, details of proposed landscape treatment, and a phasing plan with accompanying statement for all proposed works on site;

- c) Detailed plans, sections and elevations of all buildings to be erected on the site, together with details of the proposed method of drainage and the colour and type of materials to be used on walls and roofs.
- d) A permeability masterplan, detailing continuous pedestrian and cycle routes through the site and between areas of public open space commensurate with the approved development brief of May 2004. FOR THE AVOIDANCE OF DOUBT, and notwithstanding the phasing of the overall development, this plan shall include pedestrian and cycle routes to the village of Kincardine from the development site throughout the long term development of the Eastern Expansion.
- e) A three dimensional fly-through of the proposals, beginning at the point marked 'A' and finishing at the point marked 'B' on plan 2 of the approved development brief of May 2004.
- f) A legibility masterplan highlighting ALL road junctions within the application site, and the location of the houses prescribed by condition 7 below. The plan shall be submitted with an associated appendix detailing a range of landscaping and gateway features for implementation at a number of junctions to be agreed in writing by the Planning Authority. The features should reflect the need for interest and differentiation across the site in accordance with the approved development brief of May 2004. FOR THE AVOIDANCE OF DOUBT, this plan shall include the junction entrances between the site and both the A985 to the north and Walker Street to the West.
- g) A detailed plan of the neighbourhood park, showing landscaping, boundary treatments, the multi-use games area, and the kick-about pitch to be incorporated therein. The plan shall also indicate the location of cycle racks, sufficient in number to accord with Fife Council's Transportation Development Guidelines, and shall be accompanied by a series of photo montages illustrating how views can be retained from this principle area of public open space to: The Kincardine Clock Tower; the Kincardine Bridge; Inch House and the River Forth.
- h) A plan on a scale no larger than 1:1000 illustrating the siting of the areas of informal open space and landscaping as required by the development brief of May 2004. This plan shall be accompanied by a supporting statement. The statement shall explain the utility of these areas of open space for a broad range of users that includes: toddlers, young children, teenagers, adults and older people.
- i) A plan on a scale no larger than 1:1000 detailing the proposed tree planting required by the approved development brief of May 2004. This plan shall include details of: the boulevard of trees required to front the local access road; the area of woodland required to be planted along the northern and eastern edges of the site to create a distinctive edge to the development; and the beech and oak plantation to be sited on the knoll of the ridge adjacent to Riverside Terrace.
- l) Detailed transportation design drawings, including road profiles and sections.
- m) A comprehensive plan at a scale of no greater than 1:500 indicating the layout of the area identified in the approved development brief as 'the Local Centre'. This plan shall include: an indicative location for the anticipated supermarket; a comprehensively bounded compound with space designated for recycling bins for glass, paper, fabrics, packaging and cans; the location of a post box; and sufficient cycle racks to accommodate the bicycles of those who choose to cycle to the Local Centre, commensurate with Fife Council's Transportation Development Guidelines.
- o) Details of all ground works. Such details shall include details of any proposals to carry out grouting works. Such works shall incorporate appropriate measures to ensure that any adverse impact on neighbouring residential properties due to transmission of noise and dust etc is avoided. The details shall include a plan indicating the location of all ground works and the proposed phasing of such works;

- p) 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;
- s) Details of a scheme of public art shall be provided for the written approval of this Planning Authority, including details of size, location, design, illumination and phasing. The public art will then be constructed in accordance with the approved details.
3. The detailed plans required by condition 1 of the consent shall clearly illustrate, in cross-section form, the existing ground level, the extent of any underbuilding, the finalised floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a fixed datum point on or nearby the site such as a road or pavement which shall be identified on the submitted plans.
4. All areas of public open space shall be directly overlooked by the principal elevations of neighbouring houses.
5. Facing brick shall not be permitted as a surface finish on any house within an application for reserved matters; by contrast, all houses shall be constructed with rendered surface finishes. A palette of such proposed finishes shall be submitted to this Planning Department for approval in writing at the time such an application is submitted.
6. Buildings within 20 metres of the principal, local access road shall be orientated with frontages to face the access road directly.
7. All houses fronting the principal local access road shall have vertically oriented windows.
8. Rounded upwards to the nearest house, 10% of the total number of houses to be erected on the site shall be of a bespoke, architect designed standard. FOR THE AVOIDANCE OF DOUBT, these houses shall not be one of the developers' standard house types, but should be specifically designed to reflect a contemporary interpretation of the Kincardine vernacular. These houses will require to be of different sizes, variously accommodating 2, 3 and 4 bedrooms in accordance with the approved development brief.
9. The houses prescribed by condition 8 above, will be situated in the following broad areas of the proposals site: by the junction of the local access road and the A985; by the western terminus of the local access road as it merges with Walker Street; and immediately to the south of the neighbourhood park. Their exact location should be illustrated on the legibility masterplan prescribed by condition 1 (f.) above.
10. A mixture of roof finishes and colours shall be employed across the site. The legibility masterplan shall illustrate how clusters of these finishes will avoid disorientation and allow the development to be easily interpreted by those passing through it.
11. All houses proposed on the development site shall be provided with front and rear garden ground in accordance with Fife Council's Planning Customer Guidelines on Garden Ground (2011) unless otherwise agreed in writing by the Planning Authority.

13. The vehicular local access road running through the site shall have a minimum carriageway width of 6 metres to allow for public transport penetration into the residential site. The use of bus-friendly traffic calming measures shall be utilised to ensure vehicle speeds do not exceed 20 mph.

14. All housing roads and cul-de-sacs shall be designed to ensure vehicle speeds do not exceed 20 mph. In addition, shared surface roads shall be designed to ensure vehicle speeds do not exceed 10 mph. A shared surface road can serve a maximum of 15 houses.

2.3.3 A Design and Access Statement (DAS) has been submitted as part of the application, explaining the rationale behind the chosen layout and how this responds to the constraints of the application site and how the proposal responds to its location. The development proposals are considered by the DAS in relation to the six qualities of successful places and other relevant planning policies and demonstrates how the placemaking principles within Making Five's Places and its Evaluation Framework have been successfully applied. The application is also supported by an Urban Design Statement, Bespoke Unit Design Statement, Landscape Design Statement, and Landscape Masterplan. Relevant plans and additional documents have also been submitted, with the submission requirements detailed within the above conditions considered to have been met. The design information submitted discusses the context and various uses surrounding the site and informs how the proposed development provides an appropriate response to these.

2.3.4 A large variety of house types and sizes are proposed, with properties consisting of 2, 3, 4 and 5 bedroom terraced, semi-detached and detached dwellinghouses, as well as four blocks of flats comprising 1, 2 and 3 bedroom units. The proposed neighbourhood centre would comprise of three single storey terraced retail units arranged in an approximate 'L' shape. Attention is also drawn to application 20/03229/FULL, where an additional three blocks of flats, containing 1, 2 and 3 bedroom units, is proposed to the north of the current application. Including application 20/03229/FULL, a total of 19 'standard' market House types, 7 'bespoke' house types, 10 affordable house types, and four different flatted block designs are proposed across the Kincardine Eastern Expansion. The affordable units would be grouped together across two areas of the site.

2.3.5 The proposed development would be designed around a primary, 6m wide, spine road linking Walker Street and Toll Road. A hierarchy of streets is proposed, with the neighbourhood centre and majority of residential properties accessed by secondary and tertiary roads leading from the spine road. Secondary and tertiary streets would feature narrower carriageways and dwellings brought closer to the carriageway edge, with the street hierarchy aided through the use of differing surface materials and colours. Properties are designed to front the spine road, with vehicular access to 72 residential properties achieved directly from the spine road which is considered to be beneficial in terms of placemaking. In accordance with conditions 6 and 7 of the PPP, all dwellinghouses within 20m of the spine road face directly on to the road with vertically orientated windows, with the flatted dwellings and neighbourhood centre featuring a principal elevation fronting the road. Noting that condition 14 of the PPP requires that the shared surface streets be designed to encourage very low vehicle speeds (<10mph), it is recognised that the shared surface streets are generally short in length, and it is considered that they would encourage lower vehicle speeds through horizontal deflection.

2.3.6 As above, the proposed development would comprise a large variety of house types and sizes which is considered to be beneficial with regard to placemaking. With regard to materials, the development has been divided into six character areas, each of which would have its own distinctive finishing materials (and in some instances unique house types) which would

introduce identity to different areas of the site, aid in wayfinding and ensure the development does not appear visually monotonous. In accordance with condition 5 of the PPP, facing brick has been avoided, with a variety of roof finishes also proposed per the requirements of condition 10. Finishing materials for properties would generally consist of rendered walls, with feature stone enhanced elevations. It is advised that the proposed finishing materials have been chosen to tie in with the existing Kincardine vernacular. The character areas (and finishing materials) can broadly be broken down as follows:

Area A – off-white render, buff stone feature wall finish, slate effect tile roofing, buff cills and basecourse, grey uPVC windows and doors

Area B – off-white render, buff brick feature wall finish, red clay pan tile roofing, buff cills and basecourse, grey uPVC windows and doors

Area C – off-white render, grey brick feature wall finish, red clay pan tile roofing, grey cills and basecourse, grey uPVC windows and doors

Area D – off-white render, slate effect tile roofing, buff cills and basecourse, grey uPVC windows and doors

Affordable units – off-white render, slate effect tile roofing, buff cills and basecourse, grey uPVC windows and doors

Bespoke units – off-white render, buff sandstone feature wall finish, grey vertical weatherboarding, slate effect tile roofing, dark grey standing seam framing and parapets, buff cills, grey uPVC windows and doors.

It is considered that mix of house types and finishing materials proposed would be acceptable, adding visual interest to the development by preventing excess uniformity. As noted by the Council's Built Heritage Officer, the design of the units and finishing materials are generally in-keeping with the specific context of this site and settlement of Kincardine. The general form, massing, layout and architectural style of the proposed units are also well suited to the site's location.

2.3.7 The Council's Built Heritage Officer has raised concern regarding the loss of the existing farmhouse building in order to facilitate development. Whilst not listed, the building is considered to have historical and architectural value, with the Built Heritage Officer recommending the building be retained. In response to these concerns, it is noted that the demolition of the building has already been approved (18/03516/DPN) and therefore it would not be appropriate to require the retention of the building through this AMSiC application. The Built Heritage Officer also raised concerns regarding potential impact to the cemetery walls, believing a retaining wall is proposed below the historic graveyard wall, however it is noted that the retaining wall is actually proposed adjacent to a more recent expansion of the cemetery, which is bound by a low post-and-wire fence.

2.3.8 Including the units within application 20/03229/FULL, a total of 567 residential units are proposed for the Kincardine Eastern Expansion development. Whilst this figure exceeds the estimated capacity of the site, across the large site(s), this would result in an approximate building density of 28dph. This is considered to be a medium building density with dwellings not appearing cramped into the site, whilst still allowing suitable space for the neighbourhood centre and open space areas. Furthermore, the proposed building density is broadly consistent with residential estates of Kincardine beyond the historic town centre/conservation area.

2.3.9 The orientation and set back of buildings in relation to streets, open spaces, public paths and courtyards is welcomed, with active building fronts and gables facing public spaces and closing down key nodes, adding visual interest and encouraging passive surveillance. Building lines and plot arrangements are not presented in a continuous uniform manner, which is a

positive design principle. Key views from within the site are generally framed by building fronts and/or designed open space areas. The incorporation of open space areas, street trees, dedicated footpaths/cyclepaths and shared street surfaces would create a distinct, pedestrian friendly environment which would allow for greater movement permeability and choice of routes into and through the site. Cul-de-sacs are generally avoided, which is welcomed. The use of shared surfaces, raised tables, varying street widths, and use of pedestrian footpaths at the end of cul-de-sacs and connecting to footpaths beyond the site would promote pedestrian permeability and meet streets for people principles. Whilst it is noted that the majority of driveway parking spaces are located at the front of properties (including along the spine road) it is considered that sufficient steps have been taken to remove parked cars from view at key nodal points within the site, with continuous stretches of driveways on either side of carriageways also generally avoided. A number of parking courts are included throughout the development, with these considered to be generally well-designed and overlooked. The proposed development is considered to generally be well designed in accordance with Designing Streets (2010) and Making Five's Places Supplementary Guidance (2018).

2.3.10 Urban design comments were provided on the proposed development during the assessment of the application, with many of the suggestions put forward considered by the applicant and integrated into the proposal. Whilst it is noted that some additional suggestions put forward by the Urban Design Officer were not incorporated by the applicant, the proposed development would still deliver a high-quality urban realm within the context of its surroundings.

2.3.11 The vast majority of the development would comprise of two storey units, however a number of bungalows are proposed, with the flatted blocks and neighbourhood centre also providing a variety in building heights. It is also noted that given the significant slope of the site and need for a freeboard to mitigate flood risk (discussed later in this report), different underbuilding strategies are proposed which would result in buildings appearing as different heights and break up roof lines. Furthermore, by designing the proposed development to generally respond to the slope of the land and incorporating a number of different house types (including corner turner units and bespoke units), it is considered that this would give the appearance of greater variation in building heights and roof lines.

2.3.12 Rear boundary treatments would primarily comprise of timber fencing for individual dwellings, however views of these from public vantagepoints when travelling through the site would be limited. In visually key locations, notably for the flatted blocks and properties which enclose areas of open space and parking courts, rendered walls (with buff coping) are proposed. Rendered walls are also proposed as retaining walls to facilitate changes in levels throughout the site (including site boundaries). Front garden areas, including along the spine road, for properties would be enclosed by low boundary hedges which is supported; this would also assist to lessen the visual impact of parked cars. Overall, the approach to boundary treatments throughout the site is acceptable.

2.3.13 It is considered that whilst the proposed affordable housing units would be grouped together (in two separate groups), these would be visually indistinguishable from the proposed market housing, noting the different character areas which would surround each grouping, with there being no notable difference in the design quality of the market and affordable units.

2.3.14 Condition 8 of the PPP requires 10% of the total number of units to be of a bespoke design, with condition 9 setting out the broad locational requirements for these units; by the junction of the local access road and the A977; by the western terminus of the local access road as it merges with Walker Street; and immediately to the south of the neighbourhood park. The bespoke units are required to take inspiration from buildings within the historic core of Kincardine, designed as a contemporary take on traditional buildings through their materials

(buff sandstone and off-white render) and detailing (including feature stone banding, chimney stacks, window fenestrations and parapets). It is considered that the design of the bespoke units has been well-thought-out, with the units creating a distinct sense of place and identity to the development, while tying it back to the vernacular of Kincardine. A total of 39 bespoke units, across 5 unique designs are proposed through this application. Whilst this is short of the 10% total unit requirement, it is considered reasonable to include the units proposed through application 20/03229/FULL given the relationship between the applications as they will together form the Kincardine Eastern Expansion development. Application 20/03229/FULL proposes three flatted blocks, with two blocks designed in accordance with the bespoke unit design principles. The flatted blocks notably take inspiration from the design of the Listed Masonic Lodge within the town centre. The two bespoke designed flatted blocks would contain a total of 18 units. Taking the bespoke units proposed through application 20/03229/FULL a total of 57 bespoke units are therefore proposed across the Kincardine Eastern Expansion development and it is thus considered that the vision of the development brief and spirit of condition 8 has been met. Furthermore, by accepting the flatted blocks as part of the bespoke unit requirement, it is considered that these units would provide a high quality entrance to the site from Toll Road in accordance with the desire of condition 9 of the PPP for bespoke units to be sited at the junction of the local access road and the A977. With regard to the other locational requirements of condition 9, it is noted that the majority of proposed bespoke dwellinghouses would be sited at the western terminus of the local access road as it merges with Walker Street which is acceptable, however it is noted no units are proposed to the south of the neighbourhood park, with the remaining units proposed adjacent to the neighbourhood centre and central open space area. It was originally anticipated for the neighbourhood park to be located more centrally within the site through the 2004 Development Brief, hence the wording of condition 9, however as the neighbourhood park is now to be located to the south west of the site, it is no longer possible to site units to the south of the park. Nevertheless, giving regard to 'broad' wording within condition 9 and acceptability of locating the neighbourhood park in the south west of the development, it is considered that the location of the remaining bespoke units would be acceptable.

2.3.15 The proposed neighbourhood centre would be located centrally within the site, located opposite an area of open space and designed to a focal point of the development. The neighbourhood centre would comprise of three retail units (with associated off-street parking spaces), with a space designed for public recycling bins located to the rear (per the requirements of condition 1(m) and the Legal Agreement of 17/02330/PPP). A post box and bus shelters are proposed within the immediate vicinity of the neighbourhood centre. The neighbourhood centre is designed at a domestic scale and proportion, with simple features and a roofline height comparable to the neighbouring properties. The proposed finishes will include a random rubble stone and slate effect roof tiles, with large shopfront windows to signal that it is a public building. The features, design and location of the proposed neighbourhood centre are considered to be acceptable.

2.3.16 As shall be considered in greater detail later in this report, extensive areas of open space are proposed across this application and corresponding applications 20/03229/FULL and 20/03230/FULL. The areas of useable open space, which comprise of a neighbourhood park and smaller pocket parks evenly distributed throughout the Kincardine Eastern Expansion development, would give the development a generally open and welcoming appearance. Each pocket park has been designed around a particular historical theme associated with Kincardine, namely fishing, livestock farming, arable farming, naval defence, ship building, power/energy generation, industry, rope making, mining and railways, including public art, play equipment, street furniture and landscaping to accentuate each of the themes. In addition to parks and areas of useable open space, the visual impact and overall appearance of the development

would also be benefited by street trees, SuDS ponds, retained trees and woodland planting. The planting proposals are considered to meet the requirements of condition 1(i). The area of woodland planting along the northern and eastern edges of the site would assist to create a distinctive edge to the development whilst aiding in the transition to/from the countryside.

2.3.17 The application site features a significant slope from north to south, with areas within the site also identified as being at risk of flooding. The development has been designed to respond to these constraints. The proposed site levels follow as much as possible the existing gradient of the site, with a south-westerly direction, to limit the amount of cut and fill required, however some areas of platforming and land raising are proposed. A series of retaining walls are proposed along the southern and northern site boundary to mitigate difference in height between proposed site levels and levels of neighbouring land. The gradient for roads and footpaths have been designed in accordance with Making Fife's Places Supplementary Guidance. As shall be explored in greater detail below, a freeboard is proposed for properties within the identified flood risk area. Overall, the approach taken to address the site level and flood risk constraints is deemed to be appropriate. By generally working with the existing slope of the land and by avoiding significant filling/land raising, it is considered that the proposed development would not appear visually overbearing. It is additionally noted that the woodland planting along the boundaries of the site would limit its visual impact on approach from the east.

2.3.18 As required by condition 1(g) the application is supported by photomontages illustrating how views can be retained from the neighbourhood park to; the Kincardine Clock Tower; the Kincardine Bridge; Inch House and the River Forth. Whilst the photomontages are generated from within the area of neighbourhood park proposed through application 20/03230/FULL, the photomontages are still considered to be relevant. From reviewing the submitted images, it is noted that no existing views of the assets is possible within the area of land identified for the neighbourhood park given its low-lying positioning. Whilst it is regrettable that views to the identified assets will not be possible from within the neighbourhood park, it is considered that centrally within the site, where the conditions of the PPP and development brief originally envisioned the neighbourhood park, that opportunities would exist to view the identified historical assets and River Forth given the proposal to make use of the existing slope of the land towards the south west.

2.3.19 In conclusion, the proposed development is considered to be acceptable within its setting and has been well supported by robust contextual analysis. The general form, massing, layout and architectural style, as well as the mix of house types, of the proposed units are considered to be acceptable in this location, as is the road layout and neighbourhood centre, whilst the proposed landscaping and areas of open space would give a sense of identity to development. Through its design and layout, the proposed development is thus considered to be acceptable for its location is therefore supported as it is in accordance with the aforementioned development plan policies, supplementary guidance and design guidance documents.

2.4 Residential Amenity

2.4.1 NPF4 (2023) Policies 14, 16, and 23, FIFEplan (2017) Policies 1 and 10, Fife Council Policy for Development and Noise (2021), Fife Council Customer Guidelines on Daylight and Sunlight (2018), Garden Ground (2016) and Minimum Distances between Window Openings (2011) apply in terms of residential amenity.

2.4.2 Conditions 3 and 11 of the PPP are considered to be relevant with regard to the assessment of residential amenity.

3. The detailed plans required by condition 1 of the consent shall clearly illustrate, in cross-section form, the existing ground level, the extent of any underbuilding, the finalised floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a fixed datum point on or nearby the site such as a road or pavement which shall be identified on the submitted plans.

11. All houses proposed on the development site shall be provided with front and rear garden ground in accordance with Fife Council's Planning Customer Guidelines on Garden Ground (2011) unless otherwise agreed in writing by the Planning Authority.

2.4.3 Appropriate information has been submitted to allow the assessment of impacts on privacy and daylight/sunlight for neighbouring properties. Firstly, considering the relationship and distance between proposed and existing properties, as all proposed dwellings are more than 18m from existing properties, the proposed development is not considered to raise any significantly adverse privacy impacts for existing properties. Additionally, given the height, massing and set back distance of proposed dwellings, and the orientation of existing properties and level changes, it is calculated that the proposed development would not give rise to any significantly adverse loss of daylight or sunlight for existing properties, nor would the development lead to an unwelcome sense of enclosure. Given the outlook available from the proposed dwellinghouses, the development would not lead to an unacceptable degree of overlooking of the private amenity spaces of existing neighbouring properties, and vice versa.

2.4.4 Reviewing the distance and angles between windows of the proposed units within the site, it is considered that no adverse concerns would arise, with a minimum distance of 18m between the front and rear elevations of properties which directly front each other. Throughout the site, consideration has been given to the positioning and orientation of properties to ensure that where properties on street corners (located in closer proximity to neighbouring properties), windows serving habitable rooms do not directly face each other. In terms of privacy within rear gardens, due to layout there would be some overlooking of neighbouring gardens where properties back onto the side of neighbouring rear gardens, meaning that the outlook available would be over the whole of the garden. The extent of this impact is considered acceptable as it is a consequence of any development of this nature and to an extent, a factor of urban living. Due to the pattern of development and the relationship of some of the properties within the site, there is likely to be some overshadowing of some of the proposed gardens from neighbouring proposed properties. This would however only be for short periods of the day with most gardens having access to a good level of sunlight. None of the gardens would receive a level of sunlight which would be considered unacceptable as a consequence of any grouping of properties.

2.4.5 As above, Condition 11 of the PPP sets the requirement for the Customer Guidelines on Garden Ground to be adhered to unless otherwise agreed by the Planning Authority. Fife Council's Planning Customer Guidelines on Garden Ground advise that all new detached and semi-detached dwellings should be served by a minimum of 100sqm of private useable garden space. The Council' guidance does not specify a minimum requirement for terraced units. The guidance sets out that flats must be set in or have at least 50sqm of private garden for each flat. A building footprint to garden space ratio of 1:3 is recommended. Garden ground provision does not include space for garages, parking or manoeuvring vehicles. Across the development, a large variety of garden sizes and shapes are proposed. Larger garden areas are generally proposed for detached and larger semi-detached properties, with smaller garden areas proposed for smaller semi-detached and terraced units. The areas around the flatted blocks

would not contain at least 50sqm per flat. Whilst not all of the front and rear gardens for dwellings, nor area for flatted dwellings, would adhere to the Customer Guidelines, it is considered that the wording of Condition 11 gives suitable flexibility for the Planning Authority to support smaller garden areas. In this regard, it is considered that the garden sizes proposed reflect the size of the units they are to serve, which better reflects the needs of the units. Additionally, the minimum garden ground standards are contained within a guidance document and are not a statutory policy for the very reason that garden size should reflect the context of the site and they should reflect an aim for a site rather than a requirement. It is also noted that the development would feature significant amounts of open space (considered in detail below), with this potentially compensating for some of the smaller garden areas and areas associated with the flatted blocks. Furthermore, it is considered that the overall medium density of housing proposed (28dph including units proposed through application 20/03229/FULL) is appropriate for the area, with the dwellings not appearing cramped within the site. The design approach for garden areas is therefore supported.

2.4.5 There is no requirement within the conditions of Legal Agreement of the PPP requiring a noise impact assessment to be submitted, and it is not considered competent to request such an assessment through this AMSiC application. It is noted however that a noise impact assessment was submitted with application 20/03229/FULL given the proposal for the flatted blocks to front Toll Road. The submitted noise impact assessment confirmed that, through the use of closed window solution, the flats fronting Toll Road would meet recommended internal noise levels – the acceptability of the use of a closed window solution shall be discussed during the assessment of that application. The noise impact assessment also confirms that the flatted blocks would screen road noise from Toll Road for the properties located behind. Whilst not confirmed through a noise impact assessment, it is noted that it is proposed to maintain a setback and planting between dwellings and the A985 to the south of the development, with properties to sit at a higher level than the road and a retaining wall (up to 2m in height) also proposed along much of the southern site frontage, which would assist to mitigate road noise. Similarly, it is proposed for a set back and planting between Toll Road and residential properties (not screened by the flatted blocks), with 1.8m high fencing proposed between all properties and the road. Given the predominately residential nature of the proposal, it is considered that the development would not give rise to adverse noise pollution concerns for existing properties surrounding the site.

2.4.6 With regard to the proposed neighbourhood centre, three individual units are proposed, identified as 'Class 1 supermarket (256sqm)', 'Class 1 sui generis (hot food takeaway) (124sqm)' and 'Class 1 sui generis (hot food takeaway) (124sqm)'. Firstly, it should be noted that 'Class 1' has been replaced by 'Class 1A' through the most recent amendment to the Town and Country Planning (Use Classes) Scotland Order 1997 (as amended) - the change preceded the submission of this AMSiC application. A supermarket would fall within the definition of Class 1A and is considered that a unit of the size proposed would not give rise to any significantly adverse residential amenity concerns in this location. Secondly, whilst a hot food takeaway is a sui generis use, it cannot be simultaneously described as a Class 1/1A use. In principle, it is considered that a hot food takeaway could be acceptable within the neighbourhood centre, however it is noted that no information has been submitted by the applicant with regard to the managing the residential amenity issues (such as noise and odour) associated with hot food takeaways. In the interests of protecting residential amenity, a condition is therefore recommended to specify that all units within the neighbourhood centre are to be Class 1A. An application for planning permission could be submitted in the future to change the use of the units to hot food takeaways; any such application would consider the amenity impacts of the hot food takeaways. This would mean that a new planning application would be required to change the use of the any unit which was to be used as a hot food takeaway, providing an opportunity for any new impacts on created by the use to be assessed.

2.4.7 Given the scale of the proposed development, there would be a concern regarding the potential disturbance of neighbouring properties during construction from noise and dust. To mitigate such concerns, a condition could be included for a Construction Environmental Management Plan (CEMP) to be submitted prior to the start of works. The CEMP would be expected to consider the impacts of any drilling and grouting works associated with the remediation of the site (discussed below).

2.4.8 In conclusion, it is considered that the proposed development would not give rise to adverse residential amenity concerns. The proposed development has been laid out to protect the privacy, sunlight and daylight provisions of existing neighbouring properties, whilst ensuring the proposed dwellinghouses would receive an acceptable standard of amenity. The proposed development is thus deemed to be acceptable with regard to residential amenity considerations, complying with Policies of the Development Plan and requirements of 17/02330/PPP.

2.5 Transportation/Road Safety

2.5.1 Policies 13, 14 and 15 of NPF4 (2023), Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017), Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) and Scottish Government Designing Streets (2010) apply with regard to this proposal.

2.5.2 Conditions 1(b, d, l, m) and 12-27 are considered to be relevant to the assessment of transportation and road safety, detailing requirements for the design and timing of delivery for roads within the site and upgrades to the surrounding road network.

1. A further application for certain matters (Approval of Matters Specified by Condition) shall be submitted for the written permission of this Planning Authority, together with the requisite detailed plans which shall include:-

b) A detailed plan of a scale of not less than 1:1000 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, including the proposed affordable housing units, the position of the re-located electricity pylons, finished floor levels, new walls and fences, details of proposed landscape treatment, and a phasing plan with accompanying statement for all proposed works on site;

d) A permeability masterplan, detailing continuous pedestrian and cycle routes through the site and between areas of public open space commensurate with the approved development brief of May 2004. FOR THE AVOIDANCE OF DOUBT, and notwithstanding the phasing of the overall development, this plan shall include pedestrian and cycle routes to the village of Kincardine from the development site throughout the long term development of the Eastern Expansion.

l) Detailed transportation design drawings, including road profiles and sections.

m) A comprehensive plan at a scale of no greater than 1:500 indicating the layout of the area identified in the approved development brief as 'the Local Centre'. This plan shall include: an indicative location for the anticipated supermarket; a comprehensively bounded compound with space designated for recycling bins for glass, paper, fabrics, packaging and cans; the location of a post box; and sufficient cycle racks to accommodate the bicycles of those who choose to cycle to the Local Centre, commensurate with Fife Council's Transportation Development Guidelines.

12. Vehicular access to the site shall be taken from Toll Road (A985) and Walker Street. The full through route linking both vehicular accesses shall be provided prior to the 225th residential unit being occupied within the site.
13. The vehicular local access road running through the site shall have a minimum carriageway width of 6 metres to allow for public transport penetration into the residential site. The use of bus-friendly traffic calming measures shall be utilised to ensure vehicle speeds do not exceed 20 mph.
14. All housing roads and cul-de-sacs shall be designed to ensure vehicle speeds do not exceed 20 mph. In addition, shared surface roads shall be designed to ensure vehicle speeds do not exceed 10 mph. A shared surface road can serve a maximum of 15 houses.
15. A pair of bus stops, boarders and shelters shall be indicated on the plan prescribed by condition 1 (b) to be provided on the local access road.
16. Footpath links shall be indicated on the plan prescribed by condition 1 (b) between the site and Riverside Terrace, and also between the site and existing bus stops.
17. Details shall be submitted for the upgrade of pedestrian facilities on Walker Street.
18. All roadside boundary markers to be indicated as part of a matters specified by condition application must be maintained at a height not exceeding one metre in height above the adjacent road channel level.
19. All garages to be shown on the plans prescribed by condition 1 (b) shall be located at least 6 metres from the road boundary.
20. Provision shall be made within any application for any of the matters referred to in Condition 1 for suitable public transport facilities in accordance with the current Fife Council Transportation Development Guidelines.
21. All works shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.
22. Before occupation of any completed dwellinghouse onsite, a 40 mph speed limit will require to be implemented that includes the proposed access location with the A977(T).
23. The new access to the residential dwellings, generally in accordance with Hannah Reed's drawing number 203027-sk12 rev P4 submitted to Transport Scotland, shall be formed before any other works commence on the development hereby permitted.
24. Notwithstanding the carrying out of works related to condition 23 above, the existing access with the A977(T) shall be closed off and the road properly reinstated before any other works commence on the development hereby permitted.
25. The area within the visibility splays and any forward sight line for the new access to the residential dwellings shall be cleared to provide a level surface no higher than

250mm above the level of the adjoining carriageway before the development permitted becomes operational and shall be retained and kept clear thereafter.

26. Prior to the commencement of any development on the employment site hereby permitted, a comprehensive Travel Plan that sets out proposals for reducing the dependency on the private car shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland, the Trunk Road network Management Directorate. The Travel Plan will include among other things:

- Management of the travel plan identifying the persons responsible for implementation;
- Mechanism for how responsibility for the plan will be passed to subsequent owners/occupiers;
- Intended implementation of the plan for phased development;
- Monitoring Schedule and reporting procedures;
- Duration of the Plan;
- Mode share targets;
- Pedestrian and cycle infrastructure within the site and connections to the existing networks;
- Cycle parking provision and location within the site;
- Measures to improve public transport facilities;
- Initiatives such as car share schemes and flexible working;
- Provision for employee locker and shower facilities;
- Travel information to be provided within the site; and
- Car parking provision and management.

27. Notwithstanding the provisions of condition 26, any future application for matters specified by condition shall include:

Details on how the development can accommodate and promote public transport accessibility. FOR THE AVOIDANCE OF DOUBT, these details shall include: designs for a six metre wide carriageway; pedestrian crossing points; road and footway designs suitable for the operational needs of a public bus service; and, through consultation with a public transport operator, proposals for the provision of either new or extended bus services within the development, including details of operating hours, frequency of service, route, timescale for introduction and evidence of the economic viability of said proposals.

2.5.3 The Legal Agreement for 17/02330/PPP requires the completion of the link road between Walker Street and Toll Road prior to the occupation of the 225th residential unit.

2.5.4 Objectors to this application have raised concerns regarding the increase in traffic as a consequence of this development, including localised impacts on Walker Street. In response to these concerns, it is stressed that this is an AMSiC application, where the principle of developing the site, and any increase in vehicular traffic as a consequence of this, has already been accepted through the approval of the PPP. Whilst the number of units envisioned in the original PPP are noted, the application was supported by a Transport Assessment based on a development of 500 units and a business centre. Given the relatively minor increase in unit numbers now proposed versus the 500 units which informed the PPP Transport Assessment and the removal of the business centre, the lack of any condition requiring an updated Transport Assessment within the PPP, and as the total number of units that can be developed was not defined in the PPP, it is considered that it would not reasonable to request a further Transport Assessment through this AMSiC application.

2.5.5 The proposal includes a spine road through the site. This road would link Walker Street with Toll Road, however it is noted that the connections to these roads are actually detailed within applications 20/03229/FULL and 20/3230/FULL. Concerns have been raised in the submitted objections regarding the design and location of the access junctions of the spine road with Toll Road and Walker Street, however in consultation with Transport Scotland and the Council's Transportation Development Management (TDM) team, it is considered that proposed junctions are acceptable, with the design of the junction with the A977 broadly in accordance with the requirements of condition 23. A hierarchy of streets is proposed, with the proposed spine road forming the primary road through the site, with the neighbourhood centre and majority of residential properties accessed by secondary and tertiary roads leading from the spine road. Properties are designed to front the spine road, with vehicular access to 72 residential properties achieved directly from the spine road which is considered to be beneficial in terms of placemaking and road safety (by encouraging lower speeds). The spine road includes a 2 metres wide verge on both sides of the carriageway with a footway (south side) and footway/cycleway (north side) located behind a verge. In consultation with TDM the route, footways/cycleways, width, horizontal and vertical alignment, use of raised tables, and junction spacing of the proposed spine road are considered to be acceptable, with the spine road designed in accordance with the requirements of the conditions of 17/02330/PPP. The connections to Walker Street and Toll Road (proposed through related applications) are also considered to be acceptable, with the proposed layout complying with the requirements of conditions 17, 23 and 25.

2.5.6 The proposed development is considered to generally be well designed in accordance with Designing Streets (2010) and Making Fife's Places Supplementary Guidance (2018) through consideration being given to the road geometry, forward visibility, road hierarchy, street trees and positioning of open spaces to slow vehicular traffic travelling through the site. It is considered that the development has been designed in accordance with the requirements of conditions 13, 14, 16, 18 and 21 of the PPP. The incorporation of open space areas, street trees, dedicated footpaths/cyclepaths and shared street surfaces would create a distinct, pedestrian friendly environment which would allow for greater movement permeability and choice of routes into and through the site. Cul-de-sacs are generally avoided which is welcomed, with the limited number which are proposed featuring pedestrian footpaths beyond the termination of the carriageway. The use of shared surfaces, raised tables, varying street widths, and use of pedestrian footpaths at the end of cul-de-sacs and connecting to footpaths beyond the site would promote pedestrian permeability and meet streets for people principles. A street hierarchy would be aided through the use of differing surface materials and colours, with secondary and territory streets featuring narrower carriageways and dwellings brought closer to the carriageway edge. Noting that condition 14 requires that the shared surface streets to be designed to encourage very low vehicle speeds (<10mph), it is recognised that the shared surface streets are generally short in length and encourage lower vehicle speeds through horizontal deflection. Condition 14 also specifies that shared surface streets can serve a maximum of 15 houses, whilst the shared surface streets in Lots 1 and 4 do exceed this figure, as they are loop roads with two points of access from the adjacent housing streets, in consultation with TDM, this is considered to be acceptable.

2.5.7 Planning permission 17/02330/PPP does not include a condition relating to the provision of off-street parking spaces. Off-street parking requirements for developments are detailed within the current Fife Council Parking Standards contained within Making Fife's Places PPG and the current Fife Council Transportation Development Guidelines (Appendix G). Given the lack of condition, it is considered reasonable that the development should be designed in accordance with current guidance. In this regard, TDM confirm that the proposed off-street parking provision accords with the guidelines for the whole site. The provision and distribution of visitor spaces and on-street parking opportunities is also considered to be acceptable. There are only two house types with integral garages, with both house types complying with the minimum internal dimensions to count as parking spaces - a single and double garage

respectively. Garages would be set back at least 6m from the road boundary per the requirements of condition 19. House types requiring three off-street car parking spaces are being provided with the required amount without the need for treble width driveways. Off-street car parks are to provide allocated parking for the proposed flats, with a car park also proposed to serve the retail units within the neighbourhood centre. The majority of dwellinghouses would feature in-curtilage parking spaces, however a number of parking courts are also proposed. The current Fife Council Transportation Development Guidelines requires the provision of a minimum of 1 no. electric vehicle charging point per 50 no. car parking spaces. TDM have advised that if the parking spaces within the private parking spaces are being allocated then they should be designed to allow for the installation of EV charging by residents. At least 4 of the parking spaces serving the retail units should be EV charging points.

2.5.8 Bicycle racks are proposed at the neighbourhood centre in accordance with the requirements of condition 1(m). Scaled plans of the bicycle racks have not been provided however and a condition is therefore recommended to secure this information. Objectors to this application have requested that changing stations should be provided given the bicycle rack proposals, however it is noted that there is no condition attached to the PPP or provision in the Development Plan (including Transportation Development Guidelines) to require changing stations to be provided.

2.5.9 The spine road through the site has been designed to allow bus penetration through the site and includes two pairs of bus stops with shelters. Therefore, conditions 15 and 20 have been complied with. It is noted however that no information has been submitted to show that consultation with a bus operator has been carried out to provide new or divert existing bus services through the site and therefore condition 27 has not been fully addressed. The Planning Authority is aware however that public transport operators are currently focussed on post-Covid recovery rather than the introduction of new or diversion of existing bus services and a condition is therefore recommended for bus routes to be established through the site prior to the occupation of the 428th unit (final phase of development); by which time the spine road shall be completed and it is considered that suitable demand for services would exist within the site. It is also noted that the conditions of the PPP do not specify when the required bus stops have to be provided, with this therefore proposed to be captured in the recommended condition.

2.5.10 With regard to condition 22 of 17/03220/FULL, it is noted that a 40mph speed limit has already been established on Toll Road and therefore there is no requirement for the developer to secure this. The developer is bound by the requirements of conditions 12, 23 and 24 of the PPP and there is no need to consider these conditions further; it is noted that condition 12 erroneously describes Toll Road as the A985 rather than the A977.

2.5.11 The submitted Residents Travel Plan is a welcome pack for first time buyers that provides advice on the sustainable travel choices available. However, it does not set out proposals for reducing the dependency on the private car; set out mode share targets; nor identify the persons responsible for the management and implementation of the plan, and is considered by TDM that this document does expressly comply with the requirements of condition 26. Once the site is complete and the house builders have left, it is considered by TDM that it would be unlikely that the residents would take on the responsibility for the plan and TDM have advised that a "Welcome Pack" may be the best that can be achieved, and therefore the application can still be supported. Notwithstanding the position from TDM, it is recognised that the wording of condition 26 requires a travel plan to be prepared prior to "development on the employment site". As the employment site is no longer to be delivered, it is considered that this condition is now actually redundant and cannot be enforced.

2.5.12 To aid in pedestrian permeability, footpaths and cyclepaths are proposed throughout the site, with paths routed to avoid steep gradients. As well as footpaths/cyclepaths alongside roads, paths are also proposed through open spaces to provide more direct and attractive routes/shortcuts rather than requiring pedestrians and cyclists to follow the road network. Raised tables at junctions would also assist pedestrians with crossing roads. Through the proposed neighbourhood park, pedestrians would be able to access Doctor's Park. It is noted that the submitted plans include two pedestrian links to Riverside Terrace, however these links are located outwith the site/red line boundary. A Grampian style condition is therefore recommended to secure these links.

2.5.13 TDM ultimately advised that they had no objections to approval being granted subject to the inclusion of a number of planning conditions relating to the delivery of on and off-street parking, visibility splays and roadside boundary markers, and minor adjustments to the site layout. The suggested condition relating to roadside boundary markers has not been taken forward as it would contradict the requirements of condition 18 of the PPP. Additionally, whilst not covered in the conditions recommended by TDM, a condition has been included relating to the provision of EV charging.

2.5.14 Given the location of the application site and potential impacts on the trunk road network, Transport Scotland was consulted on this application. Following their review of the application (and associated applications submitted by the applicant), Transport Scotland confirmed that they had no objections to the development subject to the inclusion of a number of planning conditions. The conditions recommended related to further information on lighting, landscaping (along the trunk road boundary) and fencing/barriers (along the trunk road boundary), and a requirement for a further assessment for vehicle barrier provision. The conditions recommended by Transport Scotland are considered to be reasonable and have therefore been included in the recommendation.

2.5.15 In conclusion, subject to the recommendation conditions, the proposed development is considered to be acceptable with regard to transportation and road safety considerations, complying with the policy requirements of NPF4 (2023), FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018), and the requirements of the PPP.

2.6 Flooding And Drainage

2.6.1 NPF4 (2023) Policies 16 and 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 drainage and infrastructure of development proposals.

2.6.2 Condition 1(b, c, k, t) of 17/02330/FULL is considered to be relevant.

1. A further application for certain matters (Approval of Matters Specified by Condition) shall be submitted for the written permission of this Planning Authority, together with the requisite detailed plans which shall include:-

b) A detailed plan of a scale of not less than 1:1000 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, including the proposed affordable housing units, the position of the re-located electricity pylons, finished floor levels, new walls and fences, details of proposed landscape treatment, and a phasing plan with accompanying statement for all proposed works on site;

- c) Detailed plans, sections and elevations of all buildings to be erected on the site, together with details of the proposed method of drainage and the colour and type of materials to be used on walls and roofs.
- k) Details of the proposed measures for the management of surface water run-off from the site. Such measures shall be designed in accordance with the Sustainable Urban Drainage Systems Approach and shall be in accordance with the CIRIA Manual 'Sustainable Urban Drainage Systems Manual for Scotland and Northern Ireland' and shall be suitable in terms of minimising flood risk.
- t) A detailed Flood Risk Assessment for the whole site, assessing the proposed development of the entire site in relation to the provisions of Scottish Planning Policy. This Flood Risk Assessment shall include:
- i. In plan form, details of areas defined as low-medium, and medium-high risk areas as defined within Scottish Planning Policy, and
 - ii. Details of all flood mitigation measures proposed, alongside long term maintenance of such measures.
- No work shall be started on site until the written permission of this Planning Authority has been granted for these proposals, or such other details as may be required.

2.6.3 Per the requirements of condition 1, the application is supported by a Flood Risk Assessment (FRA) (including supplementary submissions) and relevant SuDS and drainage information. Concerns have been raised in the submitted objections regarding the flood risk of the site, and wider flooding issues in Kincardine. The FRA has been reviewed in accordance with current flood risk and climate change guidance and NPF4 policies. It is recognised that the proposed residential development does not accord with the provisions of Policy 22(a)(i-iv) of NPF4 which sets out when developments at risk of flooding or in a flood risk area will be supported, however as this is an AMSiC application, the principle of development on this site has already been established and this Policy criteria can therefore be set aside. When considering developments at risk of flooding or in a flood risk area, Policy 22(a) sets out that the applicant must demonstrate that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change

This part of Policy 22(a) is considered to be applicable, with similar requirements also contained within Policy 12 of FIFEplan.

2.6.4 The FRA, prepared by Gavia Environmental, is informed by relevant guidance, desk top analysis and on-site investigations, and includes reference to the Kincardine & Culross Flood & Erosion Study – Flood Study Report (AECOM 2019). The FRA considers the risks to the site from coastal, fluvial, pluvial and groundwater flooding. Levels along the northern boundary of the site are approximately 20m AOD, falling to a low of around 3.5m AOD in the southwest of the site. The fall across the site from north to south is defined by a small central ridge which partially divides the site in two. The FRA also considers land to the west of the application site; contained within application 20/03230/FULL; with this area described as the 'Walker Street Basin' which lies between 3.0m and 1.2m AOD and features a drainage outfall which runs beneath the A985; the ultimate discharge of the ditch is to the Firth of Forth estuary controlled by a sluice gate during high tides. Whilst the site does benefit from a degree of informal coastal flood protection by the railway line and the A985, this should not be relied upon. SEPA has

drawn attention to low point in the A985, which provides a pathway for flood waters to flow towards the eastern side of Kincardine.

2.6.5 Per the SEPA Flood Maps, the 200-year Coastal Flood Boundary level in the Firth of Forth at this location ranges from 4.54m to 5.27m AOD, with the central value at 4.75m AOD; SEPA has advised that 4.75m should be taken as the 200-year level for design purposes. With allowances for climate change, the 200-year level rises to 5.60m AOD. The FRA confirms that a large portion of the application site is at risk of coastal flooding during 1 in 200 year plus climate change events (1 in 200yr + CC). The FRA notes that the Walker Street Basin plays an important role in protecting the current application site from coastal flood risk, with inundation fully contained within Walker Street Basin during 1 in 200yr events. To clarify, the proposed development is only considered to be at risk of coastal flooding once additional allowance for climate change is factored in. To mitigate the coastal flood risk of the site, land raising is proposed – minimum ground level of 5.61m AOD – with finished floor levels (FFLs) for all properties proposed to be above 6.21m AOD. The proposed FFLs would be in accordance with NPF4 and SEPA guidance which recommends a 600mm freeboard for properties within flood risk areas. Safe access and egress is also proposed to be maintained up to 5.91m AOD in accordance with SEPA and Fife Council recommendations (300mm above floodwater level). Whilst land raising and freeboard for FFLs are proposed within this site, land raising is not proposed for the Walker Street Basin, meaning that the basin (land within application 20/03230/FULL) would continue to be at risk of 1 in 200yr coastal flooding events in order to protect the proposed residential properties and avoid the risk of downstream flooding. In consultation with SEPA and the Council's Structural Services, the principle of land raising to address coastal flood risk is considered to be acceptable. The acceptability of the coastal floodwater being contained within site 20/03230/FULL has previously been confirmed to be acceptable through the approval of that application.

2.6.6 The FRA predicts that with the proposed land raising for the residential development in place there would be no displacement of coastal flood water during 1 in 200yr events. In consultation with SEPA and the Council's Structural Services Officer, this assessment is concurred with. It is however estimated within the FRA that the proposed land raising would result in a displacement of floodwater during 1 in 200yr + CC events. This displacement could result in an increase in the 1 in 200yr + CC event floodwater level by 86mm. The FRA cannot however provide an indication of the exact flood routing or ultimate location of displaced waters. No mitigation measures are therefore proposed. SEPA advised that they had no objections, and it is for Fife Council to be satisfied with any impacts associated with displacement during 1 in 200yr + CC events. SEPA additionally noted that it is very difficult to quantify with any accuracy when it comes to coastal flood risk, as the FRA states. It is also advised by SEPA that it is difficult to monitor and prove in future any increased risk given that there is already an existing risk to the town from this source, due to the low point in the A985, with SEPA suggesting that it may be prudent to consider raising this road to deal with the existing risk which will in turn assist with any future risk; this would be the responsibility of Fife Council in collaboration with Transport Scotland. Fife Council Structural Services Officers ultimately advised that they had no objections and have not requested the applicant carry out mitigation works to address the potential displaced water from the proposed land raising, noting that any changes to floodwater levels would be difficult to quantify or prove given the nature of coastal flooding and the existing flood risk.

2.6.7 It considered that the applicant, through the design of the proposed development, has demonstrated compliance with bullet points 1, 3, 4 and 5 set out in NPF4 for developing a site in a flood risk area (reproduced in paragraph 2.6.3 of this report). Regarding the second bullet point, it is recognised that the proposed development would potentially increase flood risk for

others given the anticipated water displacement, however given the extent of existing coastal flood risk in the area, taking into account advice from SEPA and the Council's Structural Services Officers, and planned flood protection schemes (discussed below), it is considered that the proposed development can be supported. The reference to flood protection schemes in Policy 22(a) of NPF4 is considered to be relevant, with this part of the Policy setting out that protection offered by an existing formal flood protection scheme or one under construction can be taken into account. In this regard, it is noted that The Kincardine & Culross Flood Study Report (2019) appraised options for possible future flood protection measures including a wall along the coastal side of the A985 that would offer a standard of protection for Kincardine and the proposed development up to the 1 in 200yr + CC event, with it also confirmed within the Local Flood Risk Management Plan for the Forth Estuary Local Plan District (2023) both Transport Scotland and Network Rail will carry out civil engineering work which will reduce the risk of flooding in Kincardine. It is considered that these identified and proposed flood protection schemes can be given weight in supporting the development. The proposed land raising, notwithstanding the potential of floodwater displacement during 1 in 200yr + CC events, is therefore considered to be acceptable.

2.6.8 According to the SEPA Flood Maps, the proposed development is not located within an area where groundwater could influence the duration and extent of flooding from other sources. The FRA confirmed that site boreholes were investigated and provided no evidence of groundwater within the upper 3m of the surface throughout the site and therefore it is concluded that the site is a little or no risk of groundwater flooding. It also is determined that the proposed development is at little or no risk of fluvial flooding, however, owing to the relative complexity of the site and proposed ultimate discharge to the estuary, a full fluvial flood risk review is included within the FRA with the risk of the culvert below the A985 being blocked or surcharging being considered. The FRA predicts that in the event of the culvert being blocked or surcharging occurring during a 1 in 200yr + CC event, surface water would be contained within the Walker Street Basin (20/03230/FULL site) and fields to the south of the A985, with no flood water overtopping the A985 or impacting existing or proposed dwellings. As no additional flood risk to the site would occur as a consequence of potential blockage and surcharge events, the fluvial flood risks of the development are considered to be acceptable. The acceptability of the fluvial floodwater being contained within site 20/03230/FULL has previously been confirmed to be acceptable through the approval of that application.

2.6.9 SEPA's Flood Map indicates that the development site is located within an area of high risk of surface water flooding. In order to mitigate the increased rate of runoff associated with the development, a variety of SuDS measures are proposed. The submitted Drainage Impact Assessment and SuDS Strategy documents detail how site drainage has been considered. It is proposed for the site to drain through a mix of infiltration to ground (via a soakaway), and discharge to the existing ditch within the Walker Street Basin (and then ultimately to the Firth of Forth Estuary via the culvert beneath the A985). Discharge from the development is proposed to be controlled/restricted within the site in accordance with current guidance. The attenuation storage across the total development area totals 8,014m³ to ensure that the 1 in 200yr + CC allowance can be stored within the site boundary. It is proposed to discharge the surface water from Lots 3, 4, 5, 6, 7 and the spine road of via underground pipes, filter drains and SuDS basins and ponds, with Lots 1 and 2 discharging into a SuDS basin followed by a proposed ditch (which would run from east to west, along the south of Lot 3) before tying into the existing ditch. SuDS features would be located outwith the 1 in 200yr + CC flood risk area. The possibility of incorporating soakaways has been identified where SuDS are located at 6.61m AOD or above (more than 1m above the coastal floodwater level), however it is advised that infiltration testing would not be worthwhile at this stage given the extent of land raising

proposed, with the applicant requesting the use of a planning condition for the testing to be carried out at a later stage. It is proposed for the SuDS basins and ponds to be adopted and maintained by Scottish Water; this will be subject to a separate consent process; with the filter trenches and porous paving to be adopted by Fife Council; again, this is subject to a separate consent process. Fife Council Structural Services have advised that they have no objections to the proposed drainage arrangements, advising that they would be content with the use of a planning condition to secure the infiltration testing.

2.6.10 It is anticipated the foul drainage from Lot 4, 5 and 6 would be discharged by gravity into the existing public combined sewers identified at the east end of Walker Street. Lot 1, 2 and 3 would discharge by gravity into a proposed pumping station, located at Lot 3, and then pump up to a proposed foul gravity system underneath the spine road. In response to this application, Scottish Water confirmed that they had no objections to the development. Scottish Water have advised that there is currently sufficient capacity in the water network to service the development, however there is insufficient capacity in the sewerage network. Upgrades to the network, and the connection of the development to the network, is a separate consent process and it is therefore considered that it would not be appropriate to delay issuing a decision on this AMSiC application.

2.6.11 Overall, it is considered that the flood risks of the site have been carefully considered and mitigated through land raising, with suitable drainage infrastructure proposed to service the development. Whilst the proposed development would potentially increase the floodwater level associated with 1 in 200yr + CC coastal flood risk events beyond the site, it is considered that given the minimum likelihood of this risk, and as any changes to floodwater levels would be difficult to quantify or prove given the nature of coastal flooding and the existing flood risk, the proposal can be supported; it is also recognised that flood risk protection schemes are currently being investigated for Kincardine. The proposed development is therefore considered to be acceptable with regard to flood risk and drainage considerations.

2.7 Contaminated Land And Air Quality

2.7.1 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.

2.7.2 Condition 1(n, o and u) is considered to be relevant, requiring the submission of a site-specific contaminated land risk assessment, details of ground works (including grouting works), and a coal mining risk assessment. The application is supported by a Coal Mining Risk Assessment (CMRA), Site Investigation Report, Ground Gas Addendum Letter and Air Quality Impact Assessment. The submitted documents are considered to address the submission requirements detailed within Condition 1 of the PPP. Information is also presented within the DAS regarding how the constraints of the site have been taken into consideration when designing the proposed development. It is noted however that the Site Investigation Report does not cover the entire site.

2.7.3 The application site and surrounding land is identified as being potentially contaminated due to its proximity to a landfill site, with the site also identified by the Coal Authority as being within a development high risk area. Objection comments draw attention to the coal mining legacy of the site and surrounding area, with concerns raised regarding the suitability of the site to be safely developed. Concerns have also been raised regarding air quality impacts.

2.7.4 The CMRA confirmed the presence of probable historic shallow coal mining within the site, with up to 5 mine entries within the site (with two additional mine entries within close proximity). Records confirm that the mine shafts within the site have been infilled, however the CMRA does highlight that unrecorded mine entries could still exist. The CMRA recommends that intrusive ground investigations are required to ensure that the site can be safely developed. The site layout takes account of the mine entries within the site, with development designed around these areas. Informed by the recommendations of the CMRA and on-site rotary drilling, a Site Investigation Report (covering part of the site) has been submitted which confirmed that evidence of shallow coal workings (anticipated to be the Glenfuir Coal and Brighton Main Coal) across the site were encountered within a number of boreholes. As a result of there being insufficient rock cover, the Site Investigation Report informs that these coal seams will require stabilisation works, including drilling and grouting, in order for the development to be safe and stable, with one of the on-site mine entries will also requiring treatment.

2.7.5 The Coal Authority were consulted on this application to provide comment on the CMRA and Site Investigation Report. The Coal Authority advised that they were satisfied with the content and recommendations of the supporting documents, confirming that they had no objections providing the recommended mitigation measures were carried out. Conditions are recommended to secure this. The Coal Authority did however highlight that the Site Investigation Report only covers part of the site and requested to be consulted on future investigations of the remainder of the site. A condition is recommended to secure further site investigations prior to the start of works within the remaining areas of the site. Subject to the recommended conditions, it is considered that the coal mining risks associated with the site can be adequately mitigated to ensure the site is safe for residential development.

2.7.6 The Site Investigation Report also investigated and identified additional land contamination and stability issues within the part of the site covered. The Report confirmed the presence of an asbestos 'hotspot'. Whilst the risk to human health from the asbestos was considered to be low, it is recommended that the area be excavated. The proposed development is not considered to pose a significant risk to the water environment. With regard to ground gas, the Report recommends that gas preclusion measures will be required in all buildings constructed within the proposed development area due to the presence of elevated carbon dioxide within the soils considered to be representative of ground gases from localised peat deposits or from mine gas. Further recommendations are contained within the report regarding the type of concrete that should be used, and that suitably reinforced foundations should be installed. The Site Investigation Report was reviewed alongside the Council's Land and Air Quality team. Land And Air Quality did not raise any objections, recommending that a Remedial Action Statement, which details the measures that will be undertaken to mitigate against the identified risks, be submitted prior to the start of works. A verification report, to confirm the completion of the remedial works was also recommended. Conditions are recommended to secure the submission of this information at the relevant stages. It was also noted by Land and Air Quality that further site-specific risk assessments will be required for the remainder of the application site. As above, it is considered that planning conditions could be used to secure the submission of additional assessments. By securing the further investigations and remediation measures through the recommended conditions, it is considered that the land contamination and stability issues of the site can be overcome to make the site safe for development.

2.7.7 With regard to the proposed ground gas protection measures, as confirmatory monitoring was ongoing at the time the above Site Investigation Report was produced, it was recommended by Land and Air Quality that additional information be submitted. Following receipt of comments from Land and Air Quality, a Ground Gas Addendum Letter was submitted which confirmed the completion of the additional ground gas monitoring. The letter report concludes that ground gas protection will be required in the proposed properties. It is noted

however that further gas monitoring is advised both during and after completion of the mine stabilisation works / pressure grouting. Land And Air Quality confirmed that the results of the additional monitoring could be used to provide final recommendations for ground gas protection measures; the details of which could be submitted within the above recommended condition requiring a Remedial Action Statement to be submitted.

2.7.8 Turning to air quality impact, the submitted assessment concludes that no significant air quality impacts, including from increased vehicle emissions, are predicted as a result of the proposed development. In consultation with Land and Air Quality, the methodology, findings and conclusions of the assessment are considered to be satisfactory. It is therefore accepted that the proposed development would not give rise to adverse air quality impacts.

2.7.9 In conclusion, whilst the site is subject to past contamination and coal mining, 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 for residential use. 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.

2.8 Natural Heritage And Trees

2.8.1 NPF4 (2023) Policies 1, 3, 4, 6 and 20, FIFEplan (2017) Policies 1, 10 and 13, 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 and biodiversity enhancement.

2.8.2 Condition 1(b, g, h, i, j, p, q, r) is applicable to the consideration of natural heritage and tree impacts.

1. A further application for certain matters (Approval of Matters Specified by Condition) shall be submitted for the written permission of this Planning Authority, together with the requisite detailed plans which shall include:-

b) A detailed plan of a scale of not less than 1:1000 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, including the proposed affordable housing units, the position of the re-located electricity pylons, finished floor levels, new walls and fences, details of proposed landscape treatment, and a phasing plan with accompanying statement for all proposed works on site;

g) A detailed plan of the neighbourhood park, showing landscaping, boundary treatments, the multi-use games area, and the kick-about pitch to be incorporated therein. The plan shall also indicate the location of cycle racks, sufficient in number to accord with Fife Council's Transportation Development Guidelines, and shall be accompanied by a series of photo montages illustrating how views can be retained from this principle area of public open space to: The Kincardine Clock Tower; the Kincardine Bridge; Inch House and the River Forth.

h) A plan on a scale no larger than 1:1000 illustrating the siting of the areas of informal open space and landscaping as required by the development brief of May 2004. This plan shall be accompanied by a supporting statement. The statement shall explain the utility of these areas of open space for a broad range of users that includes: toddlers, young children, teenagers, adults and older people.

- i) A plan on a scale no larger than 1:1000 detailing the proposed tree planting required by the approved development brief of May 2004. This plan shall include details of: the boulevard of trees required to front the local access road; the area of woodland required to be planted along the northern and eastern edges of the site to create a distinctive edge to the development; and the beech and oak plantation to be sited on the knoll of the ridge adjacent to Riverside Terrace.
- j) An arboreal report compiled by a qualified tree specialist incorporating: a tree survey of those trees existing on site at present; a management and aftercare plan for those trees newly planted as prescribed by condition 1 (i) above; and a phasing and scheme of works detailing the scheduling of trees and hedges to be planted.
- p) 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;
- q) Details and specifications of the protective measures necessary to safeguard the trees on the site.
- r) Details of the future management and aftercare of the proposed landscaping and planting.

2.8.3 The site is primarily agricultural land, bounded by hedgerows and woodland screen planting. A number of mature trees are located throughout the site, with the majority concentrated at the north of the site; none of the trees are covered by a TPO. The site is not covered by any statutory natural heritage protection designations (i.e. SSSI, SPA etc). To the south of the site lies the River Forth across an area of rough grassland. The land to the north of Toll Road comprises of steeply sloping (north to south) agricultural land, with Tulliallan Woodland beyond.

2.8.4 The application is supported by a Tree Survey Report per the requirements of the conditions of the PPP. The Tree Survey Report covers both this application site and the land contained within application 20/03229/FULL. A separate Tree Survey Report was prepared for application 20/03230/FULL. Given the relationship of these applications, it is considered appropriate to consider the tree impacts and planting proposals collectively. A total of 36 trees (including a group of scrub self-seeded trees) were inspected and are considered in the Tree Survey Report, including 2 Cat. A, 2 Cat. B, 22 Cat. C, and 10 Cat. U trees. The tree survey describes that 9 trees (including self-seeded tree group) will be removed due to poor condition (recommended for removal regardless of development), 21 removed in the interests of facilitating development, and 6 retained. The Tree Survey Report for application 20/03230/FULL detailed that the woodland surrounding the edges of the site would be retained in full, with a small area of mixed buffer Cat. C trees removed to facilitate works.

2.8.5 Of the trees identified for removal across this application and 20/03229/FULL, the majority are poorer quality Cat. U and Cat. C trees; the removal of which are generally supported providing suitable mitigation planting is secured; however, a Cat. A (Tag 2022) and 2 Cat B. (Tags 2010 and 2025) trees are also proposed to be removed in the interests of facilitating development. The removal of Cat. A and B trees is generally resisted, however in consultation with the Council's Trees Officer, it is considered that given the limited scope to retain the trees due to other site constraints and access requirements, the removal of trees could be supported provided compensatory planting takes place; details of compensatory tree planting shall be discussed below.

2.8.6 With regard to the trees to be retained, the Tree Survey Report details that these should be adequately protected during construction, with development located outwith the root protection area (RPA) of the trees. Of the trees to be retained, the majority are located along the western site boundary and it is considered that the proposed standoff distance between the

dwelling and gardens would ensure the RPA of these trees would not be compromised, whilst also ensuring dwellings would be outwith the falling distance. It is proposed to retain a veteran sycamore tree (Tag 2030 – Cat A.) within the site as a key landscape feature. Concerns were raised by the Woodland Trust that the initially proposed plan to protect the tree were not sufficient, with roads and below ground services (such as pipes and cabling) likely to damage roots. TDM also highlighted the potential for tree root damage. In response to these concerns, revised plans were submitted which proposed a much greater standoff distance between development and the tree, with the tree proposed to be sited in a landscaped area with no roads encroaching within the RPA. It is noted that a footpath is proposed within the RPA (through the landscaped area), however it is considered that providing this path is constructed using a no-dig method, the integrity of the RPA would not be compromised; a condition is recommended to secure this.

2.8.7 To compensate for proposed tree felling, replacement planting is proposed throughout the site. A mix of native species trees are proposed to be planted along roads and within public open spaces areas, with woodland tree planting proposed along the boundaries of the site; in accordance with the Development Brief/Condition 1(i). Additionally, extensive tree planting is proposed through application 20/03230/FULL, including a public fruit orchard and a mixture of native broadleaf species. The species selected are considered to be appropriate and should remain mostly suitable in the long-term. It is considered that the proposed tree planting would suitably compensate for the trees proposed to be felled to facilitate development. It is noted that the detailed tree compensatory and landscaping plans do not accord with the revised site layout plans (which include indicative planting proposals) and in the interests of clarity, a condition is therefore recommended for updated detailed tree compensatory and landscaping plans (reflecting the planting species proposed in the initial plans) to be submitted which accord with the revised site layout plans.

2.8.8 A Bat Survey Report, issued in September 2020, was submitted with the application given the potential to impact on habitats for bats through the proposed tree felling and demolition of the farmhouse (20/03229/FULL). This report expired during the assessment of the application(s) and a further report (informed by further surveys) was therefore submitted (issued in July 2023). The Survey Report confirms evidence of bats within the surroundings of the site from the author's own records. Surveys undertaken within the site included an initial preliminary roost assessment (PRA) and stage 2 activity survey. No roosts were identified within trees to be felled, however two species of bats were recorded as foraging and commuting within and around the trees. A non-breeding bat roost was identified within the structure of the farmhouse. The Council's Natural Heritage Officer advised that they had no concerns with the survey work undertaken and conclusions of the Report. Given the presence of woodland within the vicinity of the site, absence of roosts within trees to be felled and extent of tree planting (including woodland planting) proposed, it is considered that the tree felling proposed would not have an adverse impact on bats. With regard to the farmhouse which is to be demolished, the Bat Survey Report sets out that a minimum of five bat boxes should be provided to mitigate the loss of the roost within the building. Per the submitted Biodiversity Enhancement Site Plan, a total of 36 bat boxes are proposed across this application and 20/03229/FULL and it is thus concluded that this would more than compensate for the single roost within the farmhouse which would be lost.

2.8.9 Turning to biodiversity enhancement, the application is supported by a Preliminary Ecological Appraisal (PEA) and Biodiversity Enhancement Report (both prepared by Gavia Environmental), and a subsequent Biodiversity Enhancement Site Plan (referred to above) submitted by the project architect. The PEA describes that the site is mainly agricultural land, arable fields, with smaller areas of other habitat including mixed woodland, hedgerow, and

scattered trees. No evidence of protected mammals was recorded, however the potential for bat roosts was identified (leading to the submission of the Bat Survey Report(s) referred to above). Japanese Knotweed, an invasive non-native species, was recorded within the site boundary. The PEA recommended that the Japanese Knotweed be removed from the site, and that any vegetation clearance be undertaken outwith the bird breeding season. Conditions are recommended to secure this; including a management plan for the removal of the Japanese Knotweed. The Gavia Biodiversity Enhancement Report recommends that the application site could be enhanced through pollinator mixed grassland, SuDS ponds with wet meadow mix, planting of native species trees and shrubs, and installing bat and swift boxes. The recommended enhancement measures are considered appropriate. The Gavia Report includes site plans showcasing how the enhancement recommendations can be implemented within the site, however these plans were informed by the initially submitted site plans. Given the extent of amendments to the application since initial submission, a subsequent Biodiversity Enhancement Site Plan was submitted by the project architect. This plan incorporates the biodiversity enhancement recommendations set out within the Gavia report. In addition to the biodiversity enhancement recommendations, it is noted that the proposed development also includes woodland planting, with extensive planting proposals also included within application 20/03230/FULL. Overall, it is considered that the proposed development would provide a suitable level of biodiversity enhancement. A condition is recommended to ensure that the biodiversity enhancement measures are implemented.

2.8.10 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), whilst also meeting the requirements of the PPP.

2.9 Sustainability

2.9.1 NPF4 (2023) Policies 1, 2, 12, 13 and 19, FIFEplan (2017) Policies 1 and 11, Making Fife's Places Supplementary Guidance (2018) and the Fife Council Low Carbon Fife Supplementary Guidance (2019) apply in relation to low carbon and sustainability.

2.9.2 An Energy Statement of Intention and Low Carbon Checklist have been submitted as part of this planning application, in accordance with Policy 11 and the Low Carbon Supplementary Guidance. The submitted Design and Access Statement, Planning Statement and Air Quality Impact Assessment also contain relevant information regarding sustainability.

2.9.3 It would not be feasible for this development to connect to an existing or approved heat network given its remoteness to such facilities. Whilst there are proposals within FIFEplan for potential energy related developments (which could potentially provide power/heating to the Kincardine Eastern Expansion development) to be delivered on the former Kincardine Power Station (KCD006) and Longannet (LWD034) sites, detailed proposals for such developments have yet to materialise, with no planning applications ever being submitted. The opportunity would exist for wayleaves to be established to allow for a future connection to a network should one become available.

2.9.4 Given the scale of the development proposed, there could be the potential for the development to provide its own heat/energy source; this would however necessitate an area of

land to be set aside for an energy generating station/energy centre. Notwithstanding the size of the development and potential to generate its own heat/energy demands, giving regard to the conditions of the PPP, there is no requirement for this development to set aside land for an energy generating station/energy centre.

2.9.5 Each building would adopt a 'fabric first' approach, making use of high levels of insulation to minimise heat loss. This approach would reduce the energy consumption of the buildings to a minimum, with the small amount of energy required to heat the buildings partly produced using low carbon technologies. Timber frame construction would improve overall carbon saving in comparison to masonry build; whilst also offering thermal efficiency and air tightness improvements to reduce heating and operational costs of the home. Locally sourced building materials are proposed to be used, including recycled materials where possible. In order to comply with the current guidelines for surface water discharge quality, SuDS facilities are proposed as an integral part of the surface water drainage system. There would be sufficient internal and external spaces for the storage of mixed recycling facilities, including for the proposed flatted dwellings, consistent with current Building Standards. As required by the PPP, a central recycling point is proposed to include glass, paper, plastic and clothes recycling bins.

2.9.6 It is noted that the final renewable heat/energy source (such as heat pumps) have yet to be confirmed by the applicant, with it advised that this will be established during technical design process (informed by energy assessment calculations). A condition is therefore recommended to ensure this information is submitted, and that the proposed technology is suitable.

2.9.7 The Air Quality Impact Assessment submitted with the application confirmed that the proposed development would not give rise to significantly adverse air quality issues.

2.9.8 With regard to travel and transport, the application site is located on the eastern edge of the settlement of Kincardine, a generally sustainable location. The majority of Kincardine would be within a 20-minute walk of the application site. Kincardine is served by local buses which provide opportunities for journeys across Fife and the central belt of Scotland. A neighbourhood park and neighbourhood centre (comprising three retail units and recycling point) are proposed as part of the development which would assist with reducing the need to travel beyond the site/Kincardine for basic daily needs. These proposed facilities would also benefit existing residents of Kincardine.

2.9.9 Overall, it is considered that the development complies with the Development Plan and requirements of the PPP with regard to sustainability.

2.10 Archaeology

2.10.1 NPF4 (2023) Policies 7 and 11, FIFEplan (2017) Policies 1, 11 and 14, HES Historic Environment Policy for Scotland (2019) and Planning Advice Note (PAN) 2/2011: Planning and Archaeology apply with regard to archaeological considerations.

2.10.2 Objections to this application have raised the potential for the site to have unrecorded archaeological history which requires to be investigated. The site is not covered by any area-wide historic environment designations and no statutorily protected sites/deposits/monuments are recorded within the proposal boundary. The site has previously been the subject of coal mining, with it considered that this would likely have destroyed any historic archaeological deposits.

2.10.3 Notwithstanding the comments within the submitted representations, it is considered that there is limited potential for the application site to contain any historical archaeological deposits and therefore it is considered that there is no requirement for archaeological works to be carried out prior to development. Furthermore, it is noted that this is an AMSiC application, where the need for investigating the archaeological history of the site should have been assessed during the PPP.

2.11 Affordable Housing

2.11.1 NPF4 (2023) Policy 16, FIFEplan (2017) Policy 2 and Fife Council's Affordable Housing Supplementary Guidance (2018) apply in regard to affordable housing.

2.11.2 As detailed previously in this report, during the assessment of application 17/02330/PPP it was agreed by the Planning Authority to amend the details of the previous Legal Agreements to permit the developer to provide the affordable housing requirements for the Kincardine Eastern Expansion development elsewhere in Kincardine in the interests of developer viability. However, the Agreement also includes additional clauses in the event the developer cannot find a suitable alternative site. The current Legal Agreement defines the affordable housing requirements as:

5.1.1 As part of the 350 houses developed, fifty of the Total Housing Units shall be Affordable Housing Units, thereafter, affordable housing shall be provided at 25%, commensurate with the Dunfermline Housing Market Area. In accordance with the viability appraisal associated with this planning permission, the Affordable Housing Units can be delivered offsite.

2.11.3 Exercising the relevant clause of the Legal Agreement, the applicant submitted application 20/03228/FULL on land to the north of the PPP/AMSiC site boundary, proposing 125 affordable housing units to serve as the affordable housing requirement for the PPP site. However, as set out above, this application is expected to be withdrawn following discussions regarding the suitability of the site/proposal.

2.11.4 A total of 567 units are proposed for the Kincardine Eastern Expansion development (comprising of the current AMSiC application and application 20/03229/FULL). 80 of the total units are proposed as affordable, all contained within the current application site boundary. It is considered expedient to include the affordable housing requirement for application 20/03229/FULL within the current site boundary. Per Clause 5.1.1 of the existing Legal Agreement, the affordable housing requirement for 567 units is calculated to be 104 units. Whilst the 80 units proposed is short of the on-site requirement; with this noted in the submitted objections; in discussion with the Council's Housing Service, giving regard to the previously accepted development viability issues, lack of space within the site to accommodate more units, and lack of alternative sites within Kincardine to provide units off-site (explored during discussions associated with application 20/03228/FULL), it was agreed that the balance of 24 units could be provided as a commuted sum. The calculation of the commuted sum for this development in the West Fife Villages LHSA is:

$$\begin{aligned} & \text{£10,000 csum per house} \times 21 \text{ aff hsg houses} = \text{£210,000} + \\ & \text{£2,000 csum per flat} \times 3 \text{ aff hsg flats} = \text{£6,000} \\ & = \text{£216,000 total commuted sum} \end{aligned}$$

2.11.5 It is recognised that the Legal Agreement does not include a clause specifying that the affordable housing contribution can be made by commuted sum, nor how payments would be secured. Given the support from Housing Services to accept a commuted sum, it is considered that it would be appropriate to update the terms of the Legal Agreement through Section 75A of the Town and Country Planning (Scotland) Act 1997 (as amended) to permit the use of a commuted sum to meet the affordable housing obligations. To ensure the Legal Agreement is appropriately updated, it is recommended that the final decision notice for this application is delayed until the revised Legal Agreement is properly registered.

2.11.6 The proportion of affordable housing units proposed is considered to be acceptable, complying with the requirements of the development plan. Fife Council's Housing Service have advised that the proposed development meets Fife Council's targets for size and type of affordable housing including housing for specific needs, as well as meeting the needs identified within the Local Housing Strategy Area (LHSA).

2.11.7 The proposed affordable units include 37 units grouped together within lot 3, with 43 units grouped together within lot 6. It is considered that the proposed affordable housing units would appear visually undistinguishable from the proposed market units. Whilst the proposed affordable units would not be spread out throughout the site, as recommended within the Supplementary Guidance, it is recognised that grouping the affordable units together allows for easier management (including landscape maintenance) for the housing association that shall manage the units. Overall, the affordable housing proposals are considered acceptable.

2.11.8 It is recognised that the revised Legal Agreement will only apply to development proposed through 17/02330/PPP (i.e. this AMSiC application) and therefore a commuted sum for the equivalent of 18 units would be secured. To secure the commuted sum for the equivalent of the remaining 6 affordable units, a separate Legal Agreement shall be required for application 20/03229/FULL.

2.11.9 In conclusion, the affordable housing proposals are considered to be acceptable, complying with the requirements of the PPP and the relevant policies of the Adopted NPF4 and the FIFEplan Local Development Plan, as well as the relevant supplementary guidance with regard to affordable housing provision.

2.12 Education

2.12.1 NPF4 (2023) Policy 18, FIFEplan (2017) Policy 4, Fife Council Planning Obligations Framework Policy Guidance (2017), HLA 2022 and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply when considering education contributions.

2.12.2 The Planning Obligations Framework Policy Guidance (2017) advises that new residential developments across Fife will have an impact on the school estate and certain types of development will be required to provide education contributions where there is a shortfall in local school capacity. These contributions will only be required when the need for additional school capacity is brought about directly through the impact of the development and these obligations will take the form of either direct school and nursery provision or financial contributions towards the cost of creating additional capacity for increased pupil numbers.

2.12.3 The application site is identified as 'Kincardine E Expansion' (WFV051), an effective site in the HLA 2022 for 490 homes. House completions are expected from 2025 onwards. These values have been used to assess the impact on catchment schools. Objections to this

application have raised concerns regarding the impacts of this development on the capacity of local schools, notably the local primary school.

2.12.4 As part of the PPP, the Legal Agreement sets out the required financial contributions to address local high school capacity issues. The developer is therefore required to pay a contribution of £6,300 for each market unit; paid in five equal payments. This equates to $463 \times 6300 = £2,916,900$. It is noted that this £6,300 figure is a flat rate and there is no provision in the Legal Agreement for the figure to be prorated for houses with a larger number of bedrooms as is now recommended in the Planning Obligations Framework Policy Guidance. Per the Guidance however, this contribution figure should not be revised through an approval of matters specified in conditions application.

2.12.5 Noting that the total number of units proposed exceed the 490 unit estimated capacity of the Kincardine Eastern Expansion, Fife Council's Education Directorate undertook a review of existing local school capacities. This review was undertaken upon the initial submission of this application and related applications 20/03228/FULL and 20/03229/FULL, where a total of 739 units were proposed by the applicant. Following this review, Education confirmed that they would not object to the 739 units being proposed providing the PPP Legal Agreement payments were adhered to, and further Legal Agreements were secured for applications 20/03228/FULL and 20/03229/FULL to address capacity issues across local high schools. Education confirmed that there are no expected capacity issues at the local primary school, with no financial contribution required to increase capacity. Given this position from Education, it is considered that the 567 units now proposed by the applicant could be accommodated. A separate Legal Agreement will still be required to be secured with application 20/03229/FULL.

2.12.6 In conclusion, the developer is bound by the terms of the Legal Agreement associated with the PPP to provide a financial contribution towards addressing capacity issues at local high schools, with the number of units proposed above the site allocation not predicted to give rise to any further capacity issues.

2.13 Open Space and Play Areas

2.13.1 NPF4 (2023) Policies 18 and 21, FIFEplan Local Development Plan (2017) Policies 1, 3 and 4, Making Fife's Place Supplementary Guidance (2018), Planning Obligations Framework Guidance (2017), Fife Greenspace Audit (2010) and Play Sufficiency Assessment (2023) apply with regard to the consideration of open space and play provision.

2.13.2 Condition 1(g, h) apply with regard to the provision of open space and play areas.

1. A further application for certain matters (Approval of Matters Specified by Condition) shall be submitted for the written permission of this Planning Authority, together with the requisite detailed plans which shall include:-

g) A detailed plan of the neighbourhood park, showing landscaping, boundary treatments, the multi-use games area, and the kick-about pitch to be incorporated therein. The plan shall also indicate the location of cycle racks, sufficient in number to accord with Fife Council's Transportation Development Guidelines, and shall be accompanied by a series of photo montages illustrating how views can be retained from this principle area of public open space to: The Kincardine Clock Tower; the Kincardine Bridge; Inch House and the River Forth.

h) A plan on a scale no larger than 1:1000 illustrating the siting of the areas of informal open space and landscaping as required by the development brief of May 2004. This plan shall be accompanied by a supporting statement. The statement shall explain the

utility of these areas of open space for a broad range of users that includes: toddlers, young children, teenagers, adults and older people.

2.13.3 As required by the Legal Agreement and conditions of 17/02330/PPP, a 'neighbourhood park' is proposed to serve the combined Kincardine Eastern Expansion development. In addition to the neighbourhood park, a number of smaller pocket parks and areas of useable open space are proposed. Given the relationship between this application and applications 20/03229/FULL and 20/03230/FULL, it is considered best to assess the open space requirements as a whole.

2.13.4 Whilst it is noted that the majority of the neighbourhood park was proposed through application 20/03230/FULL rather than through this AMSiC application, the approach to submitting applications has been accepted. A condition is included within the approval of application 20/03230/FULL to ensure the portion of the neighbourhood park proposed through that application is delivered at the correct point during the build out of the Kincardine Eastern Expansion.

2.13.5 A total of 567 residential units are proposed across the Kincardine Eastern Expansion development. Per the requirements of Making Fife's Places Supplementary Guidance (2018), a development of 567 units would require a total of 34,020sqm (3.402ha) of useable open space. Including the portion of the neighbourhood park included within application 20/03230/FULL (1.5ha), a total of 4.6ha of useable open space is proposed to serve the residential units, far exceeding the recommendations of Making Fife's Places. As shall be explored below, many of the open spaces areas throughout the development have been designed around different public art themes which reflect the history of Kincardine, with the approach taken to these spaces supported.

2.13.6 The proposed neighbourhood park is considered to represent a 'local play park' (per the Fife Greenspace Audit). These parks contain "basic public play area with enough equipment for a short visit" are "generally located in a park, providing space to run around", and are ideally located within "500m real time (along streets) from a house 300m straight line (radius from play area centre) 5 minute walk along streets", with "most people [expected to] walk to the play park". From reviewing the play equipment, MUGA, footpath network and public benches proposed within the combined neighbourhood park, and the additional play equipment proposed to be located within the smaller pocket parks throughout the Kincardine Eastern Expansion development, it is considered that sufficient play provision shall be included for a variety of age groups within this area of Kincardine. Additionally, as per the Play Sufficiency Assessment (2023), whilst Kincardine scored as 'sufficient' overall, it is noted that the only other high-quality play provision is located within 'Burn Brae'. It is thus considered that the play offering of the Kincardine Eastern Expansion development would ultimately be beneficial for all of Kincardine by providing a greater choice of play locations. Conditions are recommended to secure the installation of the play equipment.

2.13.7 Having consulted with the Council's Parks Development Officers and Grounds Maintenance Service, the Council advised that they would not be willing to take the maintenance responsibilities for a park of the size proposed. The applicant has therefore confirmed that a private factor shall be appointed to maintain the park and its equipment.

2.13.8 The Council's Parks Development Officer and Allotment Officer also noted that the application originally proposed allotments within the neighbourhood park. Having consulted with the local community however, Officers advised that there was limited interest in allotments in Kincardine and the allotments were therefore removed from the proposal by the applicant.

2.13.9 In conclusion, when considered alongside the wider development proposals, sufficient open space and play equipment has been proposed to serve the residential development; whilst also benefiting the existing community. The proposal is therefore considered to be acceptable in this regard, complying with the requirements of the Development Plan and relevant conditions and Legal Agreement for application 17/02330/PPP.

2.14 Public Art

2.14.1 NPF4 (2023) Policy 31, FIFEplan Local Development Plan (2017) Policy 4, Planning Obligations Framework Guidance (2017) and Making Fife's Places Supplementary Guidance (2018) apply with regard to consideration of public art.

2.14.2 Condition 1(s) of 17/02330/PPP is relevant, requiring the submission of:

(s) Details of a scheme of public art shall be provided for the written approval of this Planning Authority, including details of size, location, design, illumination and phasing. The public art will then be constructed in accordance with the approved details.

2.14.3 The public art proposals for this development (including associated applications 20/03229/FULL and 20/03230/FULL) are to be sited within pocket parks and landscaped areas, with each space designed to represent a variety of historical industries associated with Kincardine, namely fishing, livestock farming, arable farming, naval defence, ship building, power/energy generation, industry, rope making, mining and railways. Each of the themed spaces would be dispersed across the large development site. The public art proposals would include sculptures, play equipment, 'learning walls' and traditional artefacts which would be designed around the theme for each of the open spaces. The learning walls, formed of re-constituted stone dyke boundary walls, would provide information on the relevant industry and how it contributed to the history of Kincardine. In addition to the physical installations, the street furniture, landscaping and layout of the open spaces themselves would also contribute towards the individual themes, for example the footpath designed to appear as a railway track, or the use of blue petal flowers to represent the sea around the boat shaped seating areas.

2.14.4 In consultation with the Council's Urban Design Officer, it is considered that the public art proposals, designed to reference important parts of the history of Kincardine, would contribute to the creation of a distinctive place which preserves historical associations for the community it will serve. The proposed approach of delivering public art through placemaking, sculptures, landscaping and play equipment to reflect the history of the settlement is well thought out and is ultimately welcomed, with the proposals satisfying the relevant policies of the Development Plan.

2.14.5 It is recognised that a strategy document (including cost breakdown and approaches to public consultation) for the public art proposals, as recommended within Making Fife's Places Supplementary Guidance (2018), has not been submitted – with this also noted by the Urban Design Officer. Nevertheless, as the conditions of the PPP do not request such a strategy to be provided, and given the amount of information which has been submitted regarding public art through various supporting documents, it is considered that the recommendation of a specific strategy document can be set aside.

2.14.6 Despite the support for the overall public art proposals/themed spaces, it is noted that scaled elevations and final details of materials etc. for the proposed sculptures, learning walls and street furniture have not been provided. Conditions are therefore recommended to secure this information.

2.14.7 In conclusion, the public art proposals are considered acceptable, meeting the requirements of the PPP and policies of the Development Plan.

2.15 Strategic Transport Interventions

2.15.1 NPF4 (2023) Policies 13 and 18, FIFEplan (2017) Policies 3 and, Planning Obligations Framework Policy Guidance (2017) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply in regard to Strategic Transport Interventions.

2.15.2 Figure 3 of the Planning Obligations Framework Guidance indicates obligation costs per house for contributing development within the defined zones of Dunfermline, Kirkcaldy, and Glenrothes. Figure 4 illustrates the defined zones and highlights the location of proposed housing allocations against the location of necessary strategic transport interventions stated in Figure 5. The identification of core, intermediate and outer zones is predicated on the 'gravity model' approach which identified the impact of proposed housing allocations on the strategic road network against the impact of how close a site or site/s are to identified strategic transport interventions.

2.15.3 Within Figure 4 of the Planning Obligations Framework Guidance, the application site lies within the Dunfermline Outer Zone and would ordinarily require to pay £456 per dwelling. However, as set out above this is an AMSiC application where a Legal Agreement is already in place. The Legal Agreement associated with the PPP does not include provision for payments towards Strategic Transport Interventions and, per the Planning Obligations Framework Policy Guidance, it is not possible to request such payments at this stage regardless of the uptake in numbers to what was originally envisioned through the PPP and site allocation as the number of units was not defined by the PPP.

2.15.4 In conclusion, the development does not require to pay towards Strategic Transport Interventions Measures.

2.16 Other Infrastructure Considerations

2.16.1 NPF4 (2023) Policies 15, 18 and 27, FIFEplan (2017) Policies 3, 4 and 6, Fife Council Planning Obligations Framework Policy Guidance (2017) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply.

2.16.2 As part of the Legal Agreement associated with the PPP, the developer is required to provide financial contributions and on-site infrastructure.

The financial contributions required to be paid to Fife Council are:

- £200,000 towards the provision of community facilities within Kincardine
- £800,000 commuted sum in lieu of a serviced Business Park
- £50,000 commuted sum in lieu of land for the extension to Tulliallan Cemetery

The infrastructure/on-site works required to be provided by the developer include:

- Neighbourhood centre including a fully serviced small supermarket or shop or general convenience store
- Recycling site
- Neighbourhood park
- Local access road between Walker Street and Toll Road
- Landscaping

- Relocation of overhead power line

2.16.3 The proposed development includes a neighbourhood centre (including 3 retail units with recycling area behind), landscaping, areas of open space/landscaping, (part of) a neighbourhood park and spine road linking Walker Street with Toll Road (via areas of land included within applications 20/03229/FULL and 20/3230/FULL). The remainder of the neighbourhood park was proposed (and approved) within application 20/03230/FULL. The overhead power line has already been removed from the site. The on-site requirements of the Legal Agreement are therefore considered to be addressed.

2.16.3 Objections to this application cite concerns regarding the lack of availability at local GP and dentist surgeries (with the existing health centre to be closed), the lack of local community facilities, capacity of the cemetery, and the potential for the proposed supermarket to draw trade away from existing businesses. In response to these concerns, attention is drawn to the fact that this is an AMSiC application and the need for additional financial or infrastructure contributions cannot be revisited, despite the increase in number of units proposed against the estimated site capacity as the number of units was not defined in the PPP. It is also considered that the requirements of the Legal Agreement largely address the infrastructure capacity issues raised.

2.16.4 Whilst not covered in the Legal Agreement, the provision of health services is a matter for the health board and is outwith the remit of planning. Planning is primarily concerned with land use and the site is allocated for housing in the current land use plan for Fife (the Local Development Plan, FIFEplan). The NHS was consulted during the preparation of the LDP and did not seek any land be set aside for the provision of health services from this development and therefore there is no requirement for a financial contribution to be made towards healthcare provision.

2.16.5 With regard to the potential for the proposed neighbourhood centre to draw trade away from existing shops, it is considered the smaller size of units proposed (124sqm, 124sqm and 256sqm) would complement existing businesses with the Kincardine; with the units not of a size which would warrant the need for a retail impact assessment (per Policy 6 of FIFEplan). It is considered that the three smaller sized units would aid in local living in accordance with Policy 15 of NPF4.

2.16.6 In conclusion, the developer is bound by the terms of Legal Agreement associated with the PPP to provide financial contributions, with the proposal including the required on-site infrastructure to address the terms of the Legal Agreement.

2.17 Phasing

2.17.1 NPF4 (2023) Policies 15, 18 and 27, FIFEplan (2017) Policies 3, 4 and 6, Fife Council Planning Obligations Framework Policy Guidance (2017) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply.

2.17.2 The Legal Agreement associated with the PPP set the requirement for a phasing plan to be submitted. The subsequent clauses of the Legal Agreement relating to the financial contributions set out that payments are to be made in five equal tranches (linked to the phasing

plan). A phasing plan has been submitted by the applicant which sets out when the payments shall be due. The phasing plan is considered to be acceptable.

2.17.3 The Legal Agreement sets out that the neighbourhood centre requires to be marketed for sale or lease no later than the date of sale of the 150th unit, however it does not define when the fully serviced site requires to be provided. The submitted phasing plan details that the neighbourhood centre site would be delivered prior to the occupation of the 252nd unit. A condition is recommended to secure this.

2.17.4 With regard to affordable housing provision, Clause 5.1.2 of the existing Legal Agreement defines that affordable housing units require to be provided across three phases of development: 40 affordable housing units prior to occupation of 150th market unit; 40 (80 total) affordable housing units prior to occupation of 350th market unit; balance of affordable housing prior to occupation of 400th market unit. The submitted phasing plan does not reflect the current Legal Agreement; with 37 units and 43 units respectively proposed across the two affordable housing parcels. However, in consultation with Housing Services, it is considered that the proposed phasing is generally acceptable and that it would be appropriate to vary the terms of the Legal Agreement (per paragraph 2.11.5 of this report) to reflect the phasing plan noting the proposal for the affordable unit contribution to be met by on-site units and a commuted sum.

2.17.5 Additionally, the Legal Agreement defines at what point in the development the neighbourhood park and Walker Street-Toll Road local access road require to be provided; condition 12 of the PPP regarding the local access road reflects the timing requirement. The developer is bound by these requirements and therefore there is no need to revisit the timing of these. Noting the area of the neighbourhood park which is located outwith the AMSiC site boundary, a condition was included in the decision notice for application 20/03230/FULL which set the requirement for the delivery of the park to align with that prescribed in the Legal Agreement for the PPP.

2.17.6 To ensure that the landscaping and open space proposals (including public art themes) are delivered timeously, a condition is recommended to ensure that these features are provided before works commence on the next phase of construction.

2.17.7 In conclusion, the phasing for delivery of the on-site infrastructure requirements is acceptable.

3.0 Consultation Summary

Structural Services - Flooding, Shoreline And Harbours	No objections. Condition recommended to secure infiltration testing.
Parks Development And Countryside	No objections. Management of landscaping and open spaces will require to be privately funded/factored.

Scottish Environment Protection Agency	No objection. Advice provided to Planning Authority regarding coastal flood risk.
TDM, Planning Services	No objections. Conditions recommended.
Housing And Neighbourhood Services	No objections.
Scottish Water	No objections. Separate consent will be required for applicant to connect to network.
Transport Scotland	No objections. Conditions recommended.
NatureScot	No objections.
The Coal Authority	No objections. Requested to be consulted on future site investigation reports.
Built Heritage, Planning Services	Concerns raised regarding loss of farmhouse and impacts on cemetery wall. Generally supportive of house types and materials.
Natural Heritage, Planning Services	No objections. Finalised landscaping and planting plans requested.
Trees, Planning Services	Loss of trees can be supported if suitable compensatory planting secured. Finalised landscaping and planting plans requested.
Land And Air Quality, Protective Services	No objections. Site investigation reports required for the remainder of the site.
Education (Directorate)	No objections. No additional capacity risk identified.
Transportation And Environmental Services - Operations Team	No comments.
Urban Design, Planning Services	No significant concerns raised; improvements could still be incorporated. Case officer should be satisfied that the Council's Public Art requirements are met.

4.0 Representation Summary

4.1 A total of 10 objections have been received in response to this application, including non-statutory objections submitted by Kincardine Community Council and the Woodland Trust. The issues raised in the submitted representations are summarised below.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Impact on RPA of Cat. A tree to be retained	2.8.6
b. Impact on capacity at local GP and dentist surgeries	2.16.4
c. Impact on capacity at local schools	2.12.5
d. Development could lead to flood risk for neighbouring properties	2.6.6
e. Application should be assessed against updated guidance and NPF4	2.6.3
f. Groundwater flooding not fully assessed/addressed	2.6.7
g. Land stability issues have not been fully addressed	2.7.6
h. Increase in traffic through Kincardine (and along Walker Street)	2.5.4
i. Impacts on wildlife	2.8.9
j. Site has potential for archaeological deposits	2.10.3
k. Sewage system unable to cope with development	2.6.9
l. No indication of when affordable units would be built	2.17.4
m. Additional bus services required	2.5.9
n. Impact on existing shops within Kincardine	2.16.5
o. Lack of information on maintenance of open spaces	2.13.7
p. EV charging stations should be provided	2.5.7
q. Noise impacts from A985	2.4.5
r. Lack of barrier to protect from intrusion of vehicles in event of accident on A985	2.5.14
s. Air pollution impacts	2.7.8
t. Application does not include plans for cemetery extension	1.3.4
u. Design and location of access junctions for spine road	2.5.5
v. Changing facilities should be provided for bicycle racks	2.5.8

4.2.2 Other Concerns Expressed

Issue	Comment
a. Flood risk in neighbourhood park	This has been fully assessed through application 20/03230/FULL.
b. Application site is designated as a 'greenbelt'	Application site is not a designated greenbelt per FIFEplan.
c. Environmental impact assessment (EIA) is required	

d. Developer should be required to carry out further public consultation

e. Proposed allotments should be in appropriate location to facilitate proper operation

It is not possible for this AMSiC application to be assessed under the EIA regulations.

There is no requirement for the developer to carry out public consultation events for AMSiC applications.

See paragraph 2.12.8 of this report.

5.0 Conclusions

The application is considered to be in accordance with the design, site infrastructure and submission requirements of the Planning Permission in Principle (PPP) that preceded it, also complying with the 2004 Development Brief and Policies 1, 3, 4, 9, 12, 14, 15, 16, 18, 20, 21, 22, 23 of NPF4, Policies 1, 2, 3, 4, 5, 10, 11, 12, 13 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), Affordable Housing Supplementary Guidance (2018), Planning Obligations Framework Guidance (2017) and relevant National Guidance and Fife Council Guidelines. The design and layout of the proposal is acceptable and would introduce a high quality urban expansion to the settlement of Kincardine. High quality features, landscaping and public art are included to ensure a sense of place is achieved. The development would not adversely affect existing or future residential amenity and would comply with all technical matters of the PPP and other material considerations including drainage, transportation, natural heritage, education, affordable housing and site stability matters. The development site is at risk of coastal flooding, however suitable mitigation measures are included to ensure properties within the site would not be impacted during 1 in 200yr + CC events. It is acknowledged that whilst the development could increase the risk of floodwater displacement during 1 in 200yr + CC coastal flooding events as a consequence of land raising, giving regard to the existing flood risk, ability to quantify increase in water levels and planned flood protection schemes, it is considered that the land raising can be supported. The development is therefore considered acceptable in all regards and would comply with the Development Plan and conditions set out within the PPP.

6.0 Recommendation

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

- A. The conclusion of an amended legal agreement to reflect the updated position for providing affordable housing agreed through this AMSiC application.
- B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement through Section 75A of the Town and Country Planning (Scotland) Act 1997 (as amended)
- C. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

and the following conditions and reasons:

PRE-COMMENCEMENT CONDITIONS:

8. BEFORE ANY WORKS START ON SITE, an Invasive Non-Native Species (INNS) management plan for the treatment and removal of Japanese Knotweed shall be submitted for approval in writing by this Planning Authority. The INNS management plan shall include a timescale for the removal of the Japanese Knotweed from the site. The approved INNS management plan shall thereafter be adhered to in full unless otherwise agreed in writing.

Reason: In the interests of removing an Invasive Non-Native Species from the site.

13. BEFORE ANY WORKS START ON SITE, revised landscaping and planting plans, which accord with the approved site layout plans, 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 in a phased manner per the requirements of Conditions 1 and 7.

Reason: In the interests of visual amenity and avoiding ambiguity in the approved plans.

21. BEFORE ANY WORKS START ON SITE, details of all renewable or low carbon technologies to be incorporated into the development (including individual dwellings), or confirmation that the development shall be connected to an energy/heat network, shall be submitted for the approval of Fife Council as Planning Authority in writing.

In the event the development is to be connected to an energy/heat network, full details of the network (including energy/heat source) and timescale for the connection to be established shall be submitted.

Reason: In the interests of sustainability; to ensure the development meets the CO2 emissions reduction targets currently in place.

22. BEFORE ANY WORKS START ON SITE, a revised plan shall be submitted for the written approval of the Planning Authority and shall include the below amendments to drawing 716_010 Rev B (Planning Authority ref. 06B). All roads and associated works serving the proposed development shall thereafter be constructed in accordance with the current Fife Council Transportation Development Guidelines to a standard suitable for adoption.

- The provision of a raised table in the spine road carriageway at the western boundary of the application site
- The Spine Road shall have a minimum carriageway width of 6 metres along its entire route
- The Road 8/Spine Road junction layout shall be amended to match the other T-junctions on the spine road
- The footways on both sides of the Spine Road shall extend westwards to tie-in with the existing footways on Walker Street
- The parking spaces fronting plots 6/053 - 6/060 shall be amended to ensure rows of spaces no greater than 6 in number

- The Lot 5 footpath link shall be 2 metres wide and relocated eastwards so that it is adjacent to plot 5/028 in a straight alignment between Riverside Terrace and the prospectively adoptable road fronting plots 5/026 - 5/028

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

27. BEFORE ANY WORKS START ON SITE, a plan(s) detailing the location of all EV charging points within off-street car parks/parking courts shall be submitted for the approval of Fife Council as Planning Authority in writing. A minimum provision of 1 no. EV charging point per 50 no. car parking spaces shall be provided. The EV charging points shall thereafter be provided pro-rata in relation to the occupation of the residential units which feature parking spaces allocated within the off-street car parks/parking courts.

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

29. BEFORE ANY WORKS START ON SITE, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

30. BEFORE ANY WORKS START ON SITE, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.

Reason: To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

31. BEFORE ANY WORKS START ON SITE, details of the fencing / barrier proposals along the trunk road boundary, that will prevent vehicles, pedestrians, and animals accessing the A977 and A985, shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

32. BEFORE ANY WORKS START ON SITE, a further assessment of the requirement for vehicle barrier provision (such as a vehicle restraint system) along the trunk road boundary, shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. The approved scheme will thereafter be implemented prior to commencement of the development.

Reason: To ensure appropriate safety barrier provision is provided to protect trunk road drivers from the risks presented by roadside dangers.

33. BEFORE ANY WORKS START ON SITE, a Construction Environmental Management Plan (CEMP) shall be submitted to Fife Council as Planning Authority for approval in writing. The CEMP shall include a pollution protection measures to avoid an impact on the environment, as well as a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted.

It shall provide the following details:

- Site working hours;
- Adherence to good practise in protecting the environment and ecology;
- Dust, noise and vibration suppression; and
- Protection of water environment.

Reason: To ensure the environment in and around the site and residential amenity is protected during construction

34. BEFORE ANY WORKS START ON SITE, samples of the external construction materials finishes for all buildings (in particular relating to the roof, windows and walls), boundary treatments, roads, driveways and footways shall be submitted to and agreed in writing with the Council as Planning Authority. Thereafter the development shall be constructed and finished in full accordance with the agreed samples prior to occupation.

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

CONDITIONS:

1. All landscaping planting, biodiversity enhancement measures, areas of open space, greenspace connection routes, play facilities, public art installations, public realm furniture installations, hedgerow planting, tree planting and SuDS basins/ponds identified within each phase of the development (per the approved Phasing Plan) shall be completed in full in accordance with the approved plans, or completed to a standard as confirmed as being acceptable by the Planning Authority, prior to development commencing on the proceeding phase unless otherwise agreed in writing by the Planning Authority.

In the event that the Planning Authority confirms that the works has been completed to an acceptable standard, this agreement shall be in writing.

Reason: In the interests of the proper planning of the development and to ensure the landscaping and play facilities are completed at an appropriate stage in the development.

2. In accordance with the approved Phasing Plan, the neighbourhood centre; comprising three fully serviced retail units, service yard, public recycling facilities, off-street car park and bicycle racks; shall be completed in full and available for use/occupation prior to the occupation of the 252nd residential unit unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of the proper planning of the development and to ensure the neighbourhood centre is completed at an appropriate stage in the development.

3. The units within the neighbourhood centre shall be used solely for the purposes of Class 1A of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order, 1997 as amended. The use of the site for any other purpose, including another purpose will require to be the subject of a further planning application to and approved by this Planning Authority.

Reason: In order to retain proper control over the use of the property.

4. Prior to the occupation of the first residential unit within each phase of the development (per the approved Phasing Plan), full details, including elevations, sections, site plans, manufacturer's brochures (where appropriate) and samples of finishing and construction materials, for all public art installations, learning walls, children's play equipment, public benches and bicycle racks within that phase of the development shall be submitted for the agreement of Fife Council as Planning Authority in writing. Thereafter, the development within each phase shall be carried out in accordance with these approved plans.

Reason: In the interests of visual amenity and placemaking.

5. Prior to the occupation of the first residential unit, a maintenance and aftercare strategy for the play equipment, artwork and public realm furniture shall be submitted for the written approval of the Planning Authority. Thereafter, the play equipment, artwork and public realm furniture shall be maintained in accordance with the approved strategy for a minimum of five years.

Reason: To ensure the public realm is suitably maintained.

6. Prior to the occupation of the first residential unit within each phase of the development (per the approved Phasing Plan), a plan detailing the location of public waste bins within that phase shall be submitted for the approval of Fife Council as Planning Authority in writing. The public waste bins shall thereafter be installed throughout the relevant phase of development and be available for use prior to development commencing on the proceeding phase unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of residential amenity, to ensure an adequate provision of bins.

7. The tree planting and landscaping works identified as the 'planted boundary' within the Green Network & Public Artwork Plan; drawing 176_001 Rev B (Planning Authority ref. 007C);

shall be completed in full prior to the occupation of the 530th residential unit unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of the proper planning of the development and to ensure the landscape boundary planting is provided.

9. The protective measures to safeguard trees within and adjacent to the site shall be retained in a sound and upright condition throughout the site operations and no building materials, soil or machinery shall be stored in or adjacent to the protected areas, including the operation of machinery.

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

10. All excavation works within the Root Protection Areas of tree 2030 - as identified in the TLC Tree Survey Planning Report (Planning Authority ref. 219) shall be undertaken manually/by hand or with compressed air soil displacement.

Reason: In order to ensure that no damage is caused to the tree.

11. Prior to the commencement of the excavation works referred to in condition 10, details of a proprietary cellular confinement tree root protection system shall be submitted for the approval of Fife Council as Planning Authority in writing. Thereafter, the approved tree root protection system shall be installed per the manufacturer's instructions, with the Planning Authority notified to inspect, prior to construction commencing on any footpaths/cyclepaths or roads within 15 metres of the tree.

Reason: In order to ensure that no damage is caused to the tree.

12. Where buildings are proposed to incorporate bat and swift boxes/bricks per the Green Network & Public Artwork Plan; drawing 176_001 Rev B (Planning Authority ref. 007C); the boxes and/or bricks shall be installed and available for use prior to the first occupation of each of the buildings. Thereafter, the installed boxes and/or bricks shall be retained for the lifetime of the development.

Reason: In the interests of ecology; to provide habitats for bats and birds.

14. No development shall commence in any phase of the site (per the approved Phasing Plan) until the risk of actual or potential land contamination within the entirety of that phase of the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, no development shall commence within that phase of the site 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 within that phase of the site 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

For the avoidance of doubt, Preliminary Risk Assessments, Intrusive Investigation Reports and Remedial Action Statement may cover multiple phases of the site.

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

15. NO BUILDING SHALL BE OCCUPIED within each phase of the site until remedial action within that phase of the site has been completed in accordance with the Remedial Action Statement(s) approved pursuant to condition 14. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement(s) - 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 within that phase (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 within that phase 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 within that phase 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 each phase of the site shall be brought into use until such time as the remedial measures for the whole phase 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.

16. NO BUILDING SHALL BE OCCUPIED within each phase of the site (per the approved Phasing Plan) until a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

Reason: To ensure all land instabilities arising from mine entries and unrecorded shallow coal mining legacy within the site are dealt with.

17. Prior to the laying of foundations for any building or roads within each phase of the site (per the approved Phasing Plan), subsoil porosity/infiltration testing shall be carried out within that phase in accordance with BRE Digest 365 (or similar recognised methodology agreed in writing by the Planning Authority) to confirm the suitability of each phase of the site to accommodate soakaways. The results of the subsoil porosity/infiltration testing, and full specifications of any proposed soakaways, shall be submitted for the approval of Fife Council in writing prior to the laying of foundations for any building or roads within each phase of the site. Where soakaways are proposed following the results of the testing, they shall be installed in full accordance with the details approved by the Planning Authority in writing through this condition.

Reason: In the interests of surface water management and flood risk.

18. Unless otherwise agreed in writing with the Council as Planning Authority, the approved surface water drainage scheme within each phase of the site (per the approved Phasing Plan) as detailed in approved documents (and approved in writing through condition 17) shall be implemented in full prior to the occupation of any dwelling within the relevant phase of the site and thereafter maintained in full working order for the lifetime of the development.

Reason: In the interests of ensuring appropriate handling of surface water.

19. Within 3 months of the completion of the sustainable drainage system within each phase of the site (per the approved Phasing Plan), appendix 6 (Confirmation of SUDS Constructed to current best Practice) of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022), or any subsequent revision, shall be submitted to and approved in writing by Fife Council as Planning Authority.

Reason: In the interests of surface water management; to ensure that an acceptable and working sustainable drainage system has been provided.

20. For the avoidance of doubt, all buildings within the site shall have a minimum finished floor level of 6.21 meters AOD.

Reason: In the interests of protecting residents from flood risk.

23. Prior to occupation of the first residential unit within each phase of the site, visibility splays 2.5 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at all the junctions, in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

For the avoidance of doubt, the provision of trees within visibility splays is acceptable.

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

24. Prior to occupation of any house or flat with allocated off-street car parking, the off-street car parking for that plot shall be provided as shown on drawings 716_050 Rev D, 716_051 Rev D, 716_052 Dev D, 716_053 and 716_054 Rev D (Planning Authority ref. 012D, 013D, 014D, 015D and 016D). The parking spaces shall be retained through the lifetime of the development.

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

25. The 128 unallocated/visitor car parking spaces as shown on drawings 716_050 Rev D, 716_051 Rev D, 716_052 Dev D, 716_053 and 716_054 Rev D (Planning Authority ref. 012D, 013D, 014D, 015D and 016D) shall be provided pro-rata in relation to the house occupations. The parking spaces shall be provided pro-rata in relation to the occupation of houses and flats and be retained through the lifetime of the development.

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

26. Prior to occupation of the first unit within Lot 7, the 27 off-street car parking spaces shall be provided as shown on drawing 716_054 Rev D (Planning Authority ref 016D). Four of the parking spaces shall be EV charging points. The parking spaces and EV charging points shall be retained through the lifetime of the development.

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

28. All parking spaces within off-street car parks/parking courts allocated for residential units shall be fitted with ducting for the future conversion of car parking spaces to additional EV charging points unless otherwise agreed in writing by Fife Council as Planning Authority.

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

35. No more than 227 of the residential units hereby permitted to be constructed at the site shall be occupied until two pedestrian links to Riverside Terrace from Lots 04 and 05 are constructed and available for use. The finalised and design for the connections shall be agreed in writing by the Planning Authority prior to the occupation of the 124th residential unit.

Reason: In the interests of pedestrian connectivity.

36. Prior to the occupation of the 328th residential unit, specification of the bus stops/shelters on the spine road shall be submitted for written approval of Fife Council as Planning Authority. The bus stops/shelters shall thereafter be installed and operational prior to the occupation of 428th residential unit.

Reason: In the interest of pedestrian safety and to encourage the use of public transport.

37. Prior to the occupation of the 328th residential unit, details for the provision of either new or extended bus services within the development, including details of operating hours, frequency of service, route, timescale for introduction and evidence of the economic viability of said routes, shall be submitted for written approval of Fife Council as Planning Authority. The bus service(s) shall thereafter be operational within the site prior to the occupation of 428th residential unit unless otherwise agreed in writing by Fife Council as Planning Authority.

Reason: In the interest of sustainable travel and to encourage the use of public transport.

38. Prior to the occupation of the 252nd residential unit within the site, two footpath/cyclepath connections between the site and Riverside Terrace shall be constructed to a standard suitable for adoption and available for use.

Reason: In the interests of pedestrian connectivity.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

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

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