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Notice of Intention by David Liddell, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-250-2331
- Site address: Land To North Of Kent Street, Dunfermline, Fife, KY12 0DJ
- Appeal by Mactaggart & Mickel Homes Limited against the decision by Fife Council
- Application 18/03293/FULL for planning permission dated 15 November 2018 refused by notice dated 31 July 2019.
- The development proposed: Construction of 92 residential units, access, landscaping and associated development
- Application drawings: see Schedule at the end of the Notice
- Date of site visit by Reporter: 21 November 2019

Date of notice: 18 December 2019

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## Notice of Intention

For the reasons given below I am minded to allow the appeal and grant planning permission subject to the conditions listed below, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement, covering the matters listed in paragraph 36 below.

The appellant submitted a claim against the council for an award of its expenses in making the appeal. I shall issue a decision on that claim when I determine the appeal.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the strategic development plan (SESplan, adopted in 2013), the local development plan (FIFEplan, adopted in 2017) and associated supplementary guidance.
2. The proposal is for a residential development on farmland at the northeast edge of Dunfermline. There is an established residential area to the south of the site, and Townhill Country Park lies to the north. Further to the northeast is the village of Townhill. To the east of the site lies Townhill Road, beyond which is more farmland.
3. FIFEplan allocates the site for residential development, as it does the further greenfield site immediately to the west. It is part of the North Dunfermline Strategic Development Area identified by SESplan. The principle of residential development on the site is therefore established.



4. The council refused the application because it considers that the proposal would represent over-development of the site. The development density would be too high. Greenspace and garden ground would be sparse, with the former concentrated too much in the northeast of the site. On this basis the council concludes that the proposal would be contrary to FIFEplan policies 10 Amenity and 14 Built and Historic Environment. The council's response to the appeal expands on these concerns.

5. Townhill Community Council objects to the development. It, too, considers that the proposed number of houses is too high. To prevent coalescence between Townhill and Dunfermline there should be no houses fronting Townhill Road. The community council also raised concerns about a lack of school capacity, the proposed traffic calming measures and the access arrangements for the houses which would front Townhill Road.

6. Having regard to the provisions of the development plan and the other evidence before me the key issues in this appeal are:

- Whether the proposal would represent over-development of the site;
- Whether the proposed vehicular access arrangements are appropriate; and
- The effects on the capacity of schools and on the local road network.

#### Would the proposal represent over-development of the site?

7. Several of the concerns expressed by the council and the community council relate to this issue. These include the amount and distribution of greenspace and garden ground throughout the site, the effects on residential amenity (for occupants of both existing and the proposed new houses), and the proposal to have houses fronting Townhill Road.

8. FIFEplan estimates the capacity of the site as 80 units. The appellant's view is that, since the council has taken the general position that an uplift of 20% on the estimated capacity of a site would be contrary to FIFEplan then any lesser uplift (the case here) would generally be acceptable. However my view is that the effects of a development proposal must be considered on a case-by-case basis. Both the appellant and the council refer to the density of other approved development sites in Fife. Again, this evidence is of little assistance in considering the proposal before me.

9. On a similar basis, I am not bound by the recommendation of the reporters who conducted the examination of the proposed FIFEplan. Their report recommended that there be no housing fronting onto Townhill Road, and that the estimated capacity of the site be reduced from 120 units to the 80 in FIFEplan. The reporter who dealt with the Kent Street site prefaced his judgement about the proposal to front houses onto Townhill Road with the phrase 'at first glance'. At this later stage of the planning process I have more detailed evidence to inform my decision.

10. I do not find the proposed amount and distribution of public open space to be unsatisfactory. The council argues that too much of it is concentrated in the northeast of the site. However the overhead powerlines in this part of the site are an obvious constraint to development, and it is natural that much of the open space would be in this area. Having open space in this location also assists in maintaining the separation between Townhill and Dunfermline. The council is concerned about a lack of natural surveillance of this open space but it would be overseen from the front elevations of the houses immediately to the southwest of it, and indeed from the two public roads which would bound it.

11. The appeal site is fairly modest in size but it would also benefit from the small play area located more centrally within it. There would also be other landscaped strips (if not usable public open space) on the northern and southern boundaries of the site, the SUDS basin and the core path at the site's western edge.

12. The Making Fife's Places supplementary guidance expects new housing development to provide 60m<sup>2</sup> of greenspace for each new dwelling. On the calculations in the council's committee report, the proposal would provide over 7,000m<sup>2</sup>, excluding the SUDS basin. This is comfortably more than the 5,520m<sup>2</sup> required for 92 dwellings by the supplementary guidance. On this basis I have no reason to conclude that the proposals are lacking in public open space.

13. In allocating the site for development, FIFEplan requires high quality landscaping and access links into the country park. Given my findings above, and subject to the proposed conditions controlling these aspects of the development, these requirements would be met. FIFEplan also raises the prospect of an off-site contribution to enhance the quality of nearby greenspaces, but appropriate provision for greenspace would instead be made on the site itself.

14. The plot sizes may be relatively small when compared with the established housing further south, but the difference in density is less when taking into account the open space to be provided across the site. Therefore I do not agree that the proposal, although different in design and layout than the older existing housing, would fail to reflect the character of this part of Dunfermline.

15. The council's Planning Customer Guidelines on Garden Ground say that detached and semi-detached houses must have private garden ground of at least 100m<sup>2</sup>. Rear gardens should be at least 9 metres long and the plot ratio should be at least 1:3.

16. It is less than ideal that most of the private garden areas of the semi-detached houses would be smaller (some very significantly so) than the minimum size set out in the guidelines. This minimum is intended to apply to all such dwellings regardless of their size. The guidelines are not part of the development plan, but failure to meet them counts against the proposal. Some of the terraced houses would also have fairly small gardens

17. On the other hand, there seems no dispute that the required plot ratios would be met. Although some gardens would be small, they would generally appear to be large enough for many everyday domestic activities.

18. The principal reason for specifying a minimum garden depth relates to window-to-window distances between dwellings. In this case, despite some gardens being shorter than 9 metres, there would be no breach of the minimum 18 metre distance between windows which is also referred to in the Customer Guidelines.

19. I am therefore satisfied that there would be no significant loss of privacy for the existing residents in the houses of Kent Street, immediately to the south of the site. In particular noting the proposed planted strip along the southern boundary of the site, and its lower level in relation to the existing houses.

20. I can understand why the community council (and previously the FIFEplan reporters) is opposed to housing fronting Townhill Road. This is a relatively fast road, despite the 30mph speed limit, and the site currently forms part of the undeveloped area between Townhill and Dunfermline.

21. However, the provision of active street frontages at this point would in my view likely assist the council's aim of reducing vehicle speeds on this stretch of the road. The proposed houses would result in an extension of the apparent built extent of Dunfermline towards Townhill. But the overhead powerlines and the open space around them (and the Country Park further north) would still provide a clear northern boundary to Dunfermline at this point. This would maintain separation from Townhill. I do not find that the inclusion of properties fronting Townhill Road contributes to any conclusion that there would be overdevelopment of the site.

22. In respect of their residential amenity, I note from the Noise Report submitted with the planning application that the houses fronting Townhill Road would only meet the council's required internal noise limits with their windows closed. However in this respect they would seem to be no different from the other houses currently fronting this street. A reduction in vehicle speeds could bring attendant reductions in noise levels.

23. On balance, I do not find that the proposal would be over-development of the site. FIFEplan Policy 10 Amenity lists ten criteria for assessing the effects of development on amenity. In light of my findings above, and despite the relatively small gardens of many of the proposed houses, I do not consider that the amount and distribution of garden ground and open space would cause significant adverse effects on the amenity of occupants of existing housing or of those of the proposed development. In reaching this view, I take account of the benefits to amenity from the public open space to be provided on the site, and the close proximity of the extensive open space in the country park. Noise levels for the houses fronting Townhill Road would have some effect on the amenity of those properties but I do not find that the proposal would fail, overall, to comply with Policy 10. For the same reasons, I do not find that the proposal would offend any of the six qualities of successful places set out in Policy 14 Built and Historic Environment.

#### Vehicular access arrangements

24. The concerns of the community council relate to the proposed direct accesses to Townhill Road for some houses, the narrowing of Townhill Road, and the use of speed bumps.

25. Rather than speed bumps, it is proposed that there would be a raised table on shallow ramps at the junction of the development access road and Townhill Road. The footway would be widened, and the carriageway narrowed slightly. These are standard traffic calming measures which would assist the lowering of vehicle speeds on Townhill Road and improve road safety. I do not find their use to be inappropriate, or likely to cause problems for other road users. The carriageway would remain, at 7.6 metres, wide enough for buses and HGVs. I note that the council's transportation officials are content with the proposed access arrangements, including the driveways onto Townhill Road from the proposed new houses.

26. The community council instead proposed that the site be accessed from the north, via the access road for the country park. However, I must consider the proposal before me. On the basis of the technical evidence I have no reason to conclude that the proposed access point at Townhill Road is unsuitable.

### The effects on the capacity of schools and on the local road network

27. The community council calculates that the development could generate more than 150 children of primary school age, thereby greatly exceeding the capacity of Townhill Primary School. However, the consultation response from the council's Education and Children's Services contains detailed forecasts for the future capacity of the affected schools, and on this basis recommends developer contributions calculated to overcome the expected capacity restraints. I have no reason to conclude that these would be insufficient to address the likely shortfalls in capacity which have been identified.

28. The council proposes temporary expansion of Townhill Primary School to accommodate the cumulative effect on school capacity of this and other allocated development sites. The appellant agrees with the need for a contribution towards this temporary accommodation, as well as to contributions towards resolving capacity constraints at St Margaret's Primary School and the secondary schools in Dunfermline.

29. The appellant's transport assessment predicts that the road network would operate within capacity after this and the allocated site to the west were developed. Even so, the development is required to make a contribution towards transport interventions required due to the cumulative impacts of all the FIFEplan development allocations in Dunfermline. The appellant appears to agree with the need for such contributions.

30. FIFEplan Policy 4 Planning Obligations sets out the kinds of infrastructure for which developer contributions will be required. Table 4.1 of FIFEplan sets out the requirements for each Strategic Development Area. I have not been provided with the Planning Obligations Supplementary Guidance or its draft replacement. However, on the basis of the Transport Assessment submitted with the application and the consultation responses from the council's education and transport services, I have no reason to conclude that the agreed contributions would be contrary to FIFEplan or to the relevant guidance.

### Other matters

31. The contributions towards new school capacity and transport infrastructure improvements would be the subject of a planning obligation. It is proposed that 25% of the houses would be affordable housing and I agree that this should also be assured by means of a planning obligation.

32. The council proposes that 42 planning conditions be imposed. The appellant has not raised any objection to these. Subject to some minor editing for the sake of clarity and consistency, I intend to impose the conditions proposed by the council. Amongst other matters these would provide for any coal mining remediation work which may be required, ensure the noise limits for the houses fronting Townhill Road would be met, and require agreement of the final details of the landscaping, boundary treatments, gable enhancements and facing materials for the development.

33. I acknowledge the community council's dissatisfaction with the manner in which the pre-application consultation procedures were conducted. However, there is no evidence to suggest that these were not undertaken in accordance with the relevant legislation.

34. The development plan establishes the principle of residential development on the site, and I have found the proposal in other respects to be acceptable. Therefore I have not considered further the evidence from the council and the appellant as to the current housing land supply position on Fife or the degree to which, in that context, the proposal would contribute to sustainable development. The appellant's comments about the qualifications and authority of the officials who prepared the council's appeal response has had no bearing on my findings, which are based on my own judgement.

### Conclusion

35. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which justify refusing to grant planning permission. I have considered all other matters raised, none of which alter my conclusions.

36. I conclude that a planning obligation restricting or regulating the development or use of the land should be completed in order to provide for 25% affordable housing and for contributions towards:

- Strategic transport interventions;
- The upgrade of the Whitefield Road/Halbeath Road/Linburn Road junction and Halbeath Road improvements;
- Capacity improvements at St Margaret's Primary School;
- Capacity improvements at Townhill Primary School; and
- The Dunfermline Secondary Schools solution

37. I will accordingly defer determination of this appeal for a period of up to 12 weeks to enable the relevant planning obligation (either an agreement with the planning authority or a unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997 or some suitable alternative arrangement as may be agreed by the parties) to be completed and registered or recorded, as the case may be. If, by the end of the 12 week period, a copy of the relevant obligation with evidence of registration or recording has not been submitted to this office, I will consider whether planning permission should be refused or granted without a planning obligation.

*David Liddell*

Reporter

### **List of conditions**

1. Following the coal mining remediation work required by condition 4, but prior to the commencement of development, an updated Intrusive Investigation (Phase II Investigation Report) shall be submitted for the written approval of the planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted 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.

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

2. No building shall be occupied until remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 1. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the planning authority.

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

Reason: To provide satisfactory verification that remedial action has been completed.

3. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the planning authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted and approved in writing by the planning authority or (b) the planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the planning authority. Unless otherwise agreed in writing with the planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted and approved in writing by the planning authority.

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

4. Prior to commencement of development, an intrusive site investigation shall be undertaken to determine the location and condition of the mine entries associated with the site. A report of the site investigation shall be submitted for the written approval of the planning authority in consultation with the Coal Authority. In the event that the site investigations confirm the need for remedial works to treat the mine entries to ensure the safety and stability of the area then details of the proposed remediation shall be submitted for the written approval of the planning authority. The report shall also confirm the remedial works to treat the areas of shallow mine working within the site. The remediation measures shall be carried out prior to other development starting on site and in accordance with the details agreed through this condition.

Reason: To ensure the site is free of risk from coal mining legacy.

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

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

6. Prior to commencement of development, final details of the biological enhancement measures for the site as set out within section 1.5.3 of the Preliminary Ecological Appraisal – Brindley Associates – dated November 2018 shall be submitted for the written approval of the planning authority. For the avoidance of doubt, the enhancement measures shall include some of the enhancement measures relating to bats. The landscaping plans shall be updated and resubmitted for the written approval of the planning authority if any of the biological enhancement measures include additional planting. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of providing ecological enhancement of the site.

7. If heavy engineering (such as blasting or piling) is required within 30 metres of the existing properties on Kent Street, then a further bat assessment shall be carried out on these properties. The assessment, with mitigation as necessary, shall be submitted for the written approval of the planning authority and no heavy engineering shall take place within 30 metres of these properties until written approval has been given by the planning authority. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of protecting bats from disturbance from the construction works.

8. The development shall be implemented in accordance with the recommendations set out within section 1.6 of the Preliminary Ecological Appraisal – Brindley Associates – dated November 2018 unless otherwise agreed in writing with the planning authority.

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

9. Prior to any works starting on site, a Scheme of Works designed to mitigate the

effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from the proposed development shall be submitted and approved in writing by the planning authority. British Standard BS 5228: Part 1: 2009 (Noise and Vibration Control on Construction and Open Sites) and BRE Publication BR456 - February 2003 (Control of Dust from Construction and Demolition Activities) should be consulted. The dust control measures shall reflect the conclusions of the Air Quality Assessment submitted with the application. The Scheme of Works shall provide details of the proposed working times for the site during construction. Development shall take place in accordance with the details approved through this condition.

Reason: In the interests of residential amenity.

10. Before the construction of any retaining walls on site, full details of the design, construction and facing materials to be used on each retaining wall shall be submitted for the written approval of the planning authority. For the avoidance of doubt, it is expected that high quality materials shall be used on retaining walls which face onto public spaces. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of visual amenity.

11. Prior to the commencement of development, a public art strategy including the details of the proposed items of work relating to this strategy shall be submitted for the written approval of the planning authority. The strategy shall demonstrate that the value of the works contributing to the public art strategy shall meet the terms of the council's Guidance on Public Art in terms of the financial value of the items of work. The strategy shall propose a scheme of public consultation which shall involve locally elected members of the council and local community groups (if available) and shall include a phasing timescale for the implementation of the public art works. Thereafter the public art works shall be carried out entirely in accordance with the details and phasing approved under this condition.

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

12. The SUDS and drainage infrastructure shall be constructed contemporaneously with the construction of the residential units and infrastructure on site and shall be complete and fully operational before the completion of the last residential unit. Sacrificial construction SUDS shall be provided on the eastern boundary of the site to capture runoff from the site until the SUDS is provided.

Reason: To ensure the site has adequate drainage infrastructure.

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

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

14. Prior to the commencement of development, details of the management and maintenance of the SUDS and play areas on site shall be submitted for the written approval of the planning authority. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of flood risk and long term maintenance of this infrastructure.

15. Prior to the commencement of development, final boundary treatment details shall be submitted and approved in writing by the planning authority. This shall include elevational and locational details of the boundary treatments, including materials. The following details shall be provided:

- The boundary treatment for plot 57 shall reflect its location adjacent to the hedgerow and be designed accordingly with decorative features or staining to blend with the hedgerow;
- Higher quality boundary treatment such as a wall or wall/fence is needed where side or rear gardens face onto roads;
- Fences which face onto the parking courts shall be topped with decorative features such as a top rail, scalloped top, trellising or similar;
- Details of the low walls on Townhill Road must be provided and the materials shall reflect those used on the proposed dwellings.

The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of design and visual amenity.

16. Prior to the occupation of the first residential unit, details of the construction and delivery of the informal paths shall be submitted and approved in writing by the planning authority. The details shall specify when each informal path will be delivered in the development program. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of permeability.

17. Prior to the completion of the first residential unit, full final details of the play equipment to be provided for the site shall be submitted and approved in writing by the planning authority. This shall include a timetable for completion of the play equipment. For the avoidance of doubt this shall specify by which unit completion the play area will be provided. The play equipment shall support 'Play for All' where possible. The development shall be implemented in accordance with the details approved through this condition.

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

18. Prior to the commencement of development, final details of the materials for the site shall be submitted and approved in writing by the planning authority. Variation shall be provided on site through the materials particularly in junction nodes. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interest of good design and visual amenity.

19. Prior to the commencement of development, a scheme of tree protection measures to protect trees adjoining the site during construction shall be submitted and approved in writing by the planning authority. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of protecting the trees neighbouring the site.

20. Prior to the commencement of development, final landscaping details shall be submitted and approved in writing by the planning authority. These details shall include a final landscaping plan with the following amendments:

- Planting being provided within the courtyards for units 58-69. The rows of parking bays should be no greater than six in a row with planting between each row;
- The hedgerow along the north eastern boundary of the site with Townhill Road being planted at relative maturity;
- Updated planting scheme taking into account any of the ecological enhancements proposed in condition 6;
- Additional trees and hedging being provided within the primary route through the site;
- Confirmation from the pylon operator within the site that the planting below the pylon is acceptable. Should it not be, then alternative planting shall be proposed.

The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of visual amenity.

21. Unless otherwise agreed in writing with the planning authority, the landscaping and open space for the site shall be completed contemporaneously with the completion of adjacent plots subject to the appropriate planting season with all landscaping complete prior to the final unit. Notwithstanding this, the following landscaping proposed for the site shall be completed in accordance with following timetable:

- The hedgerow at the north eastern edge of the site shall be planted within the first planting season after the existing hedgerow on site is removed;
- The landscaping in the open space area shall be planted prior to the occupation of the 70th unit within the site;
- The planting along the southern boundary shall be provided prior to the occupation of the final residential unit of plots 31-57.

The development shall be implemented in accordance with the details approved through this condition.

Reason: To ensure the landscaping is provided timeously on site.

22. Prior to the commencement of development, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by the planning authority. These details shall include consideration of the various habitats proposed on site and shall incorporate measures to promote biodiversity. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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

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

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

24. The development shall be implemented in accordance with the recommendations set out within the submitted Flood Risk Assessment (dated 2018) unless otherwise agreed in writing with the planning authority.

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

25. Gable enhancement shall be provided on plots 10,11,18,19,29,57,64/65,80-82,91 and 92. Prior to the commencement of development, full details of these enhancements shall be submitted and approved in writing by the planning authority. These enhancements could take the form of additional windows from habitable rooms, gable/window/eaves detailing, different materials/render colour or different boundary treatment or any other appropriate enhancement proposed by the developer. Where a unit is situated gable end to a footpath or open space, an additional window is preferred. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of good design and surveillance.

26. Prior to the completion of the first residential unit, written confirmation shall be provided to the planning authority that Scottish Water have agreed to the adoption of the foul drainage from the site.

Reason: To ensure the site has adequate drainage infrastructure.

27. The acoustic mitigation specified within the submitted Noise Assessment (dated 18 December 2018) approved through this application shall be provided prior to the occupation of the associated residential unit. Prior to the occupation of the associated residential property but after completion of the noise mitigation measures, a further noise survey shall be submitted to the planning authority to demonstrate that the following internal sound levels can be achieved:

- The 16hr  $L_{Aeq}$  shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development;
- The 8hr  $L_{Aeq}$  shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development;
- The  $L_{AMax}$  shall not exceed 45 dB between 2300 and 0700hrs when readings are taken inside any bedroom in the development;
- The 16hr  $L_{Aeq}$  shall not exceed 50 dB between 0700 and 2300 hours when readings are taken in outdoor amenity areas.

Written evidence shall be submitted to the planning authority to demonstrate that the above sound levels can be achieved. If it cannot be demonstrated that the aforementioned sound levels have been achieved, a further scheme incorporating further measures to achieve those sound levels shall be submitted for the written approval of the planning authority. None of these properties shall be occupied until the planning authority has confirmed in writing that it is satisfied that the aforementioned sound levels have been achieved.

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

28. Prior to the occupation of the first residential unit, a further noise assessment shall be undertaken and submitted to the planning authority. This shall consider the potential noise from the route of the Northern Link Road to the properties within the site. Mitigation shall be proposed to protect residential amenity where necessary. The development shall be implemented in accordance with the details approved through this condition.

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

29. Prior to the commencement of development, a utilities and telecommunications strategy shall be submitted and approved in writing by the planning authority. This shall set out whether a wayleave can be incorporated into the site for a future district heat network and shall also set out how super-fast broadband can be incorporated into the site during the construction phase. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of protecting the site for future district heating if feasible and to ensure telecommunication infrastructure is considered at the construction phase.

30. Prior to any works starting on site (including vegetation removal), a Construction Environmental Management Plan shall be submitted and approved in writing by the planning authority. This shall include measures to protect the adjacent woodland and water course from pollution during the construction process and set out the locations for storage and compounds and provide the construction phasing within the site.

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

31. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.

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

32. All roads and associated works, including visitor parking spaces, serving the proposed development as shown on Site Layout drawing RMDL/377/SL/TOWN/001 Rev Q shall be constructed in accordance with the current Fife Council Transportation Development Guidelines. This shall also include the reconstruction and relocation of the existing centre islands on Townhill Road.

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

33. Prior to the commencement of development, construction details for the private driveways shall be submitted and approved in writing by the planning authority. For the avoidance of doubt, the use of loose chippings is not acceptable. Prior to the occupation of each house, its access driveways shall be completed at a gradient not exceeding 1 in 10. The development shall be implemented in accordance with the details approved through this condition.

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

34. Prior to occupation of the first residential unit within the site, visibility splays of 2.4 metres x 43 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access and Townhill Road, in accordance with the current Fife Council Transportation Development Guidelines.

Reason: To ensure the provision of adequate visibility at the junctions of the vehicular access and Townhill Road.

35. All roadside boundary markers shall be maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development.

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

36. There shall be provided within the curtilage of the site two vehicular parking spaces for each residential unit in plots 1–20, 33–51 & 70-92, in accordance with the current Fife Council Parking Standards. The parking spaces shall be provided prior to house occupation and 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.

37. Prior to occupation of the first residential unit within Plots 21-32, the 23 No car parking spaces in the car park between plots 28 & 29 shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be for communal use only 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.

38. Prior to occupation of the first residential unit within Plots 52-57, the 12 No car parking spaces in the car park between plots 54 & 55 shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be for communal use only 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.

39. Prior to occupation of the first residential unit within Plots 58-65, the 12 No car parking spaces in the car park fronting the plots 54 shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be for communal use only 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.

40. Prior to occupation of the first residential unit within Plots 66-69, the 12 No car parking spaces in the car park to the west of plots 66 shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be for communal use only 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.

41. Wheel cleaning facilities shall be provided, maintained and operational throughout the construction works so that no mud, debris or other deleterious material is carried by vehicles on to the public roads.

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

42. The road through the site shall be constructed up to the western boundary of the site.

Reason: To comply with the Adopted FIFEplan Allocation Policy DUN038 in terms of delivering this site in conjunction with Chamberfield SDA (DUN046).

### **Schedule of drawings**

BW04 Location Plan  
 BW07 Floor Plans & Elevations [HT/001] November 2018  
 BW08 Floor Plans & Elevations [HT/002] November 2018  
 BW09 Floor Plans & Elevations [HT/003] November 2018  
 BW10 Floor Plans & Elevations [HT/004] November 2018  
 BW11 Floor Plans & Elevations [HT/005] November 2018  
 BW12 Floor Plans & Elevations [HT/006] November 2018  
 BW13 Indicative Spatial Masterplan 15 November 2018  
 BW14 Landscape Development Framework 15 November 2018  
 BW56 Post-Development Overland Flow Layout [J3911-082 Rev C]  
 BW57 Proposed Site Sections [J3911-033] 3 April 2019  
 BW67 Plot 80 Proposed Floor Plan, Roof Plan, Elevations & Sections [6(PL)101] April 2019  
 BW69 Planning Site Layout [RMDL/377/SL/TOWN/001 Rev Q]  
 BW70 Planting Plans Sheet 1 [1260/03]  
 BW71 Planting Plans Sheet 2 [1260/04]  
 BW72 Planting Plans Sheet 3 [1260/05]  
 BW73 Planting Plans Sheet 4 [1260/06]  
 BW74 Planting Plans Sheet 5 [1260/07]  
 BW75 Block Plan / Site Layout [J3911-001 Rev E]  
 BW76 Drainage Layout [J3911-011 Rev E]