

FPRB Reference: 24/415

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Land South of Crompton Road, Glenrothes, Fife
- Application for review by Linktown Nursery Ltd against the decision by an appointed officer of Fife Council
- Application 24/02666/FULL for Full Planning Permission for Change of use from disused plant nursery/garden centre grounds (mixed-use) (sui generis) to children's outdoor day nursery and associated development (part retrospective)
- Application Drawings:
01 - Location and Site Plans, 02 - Other / Miscellaneous Drawing,
- No Site Inspection took place.

Date of Decision Notice: 19th September, 2025.

Decision

The FPRB reverses the determination reviewed by them and approves Planning Permission subject to the conditions and reasons outlined below in section 4.0.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 1 September 2025. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Lynn Mowatt, Lesley Backhouse and Ken Caldwell.

2.0 Proposal

- 2.1 The appeal site contains a 623 square metres (approx) parcel of land within an area of disused plant nursery/garden centre grounds (mixed-use) (sui generis) on the south side of a private vehicular access off Crompton Road in Glenrothes. The site lies to the south-east of the town, within Southfield Industrial Estate. Vehicular access is off the south side of the private vehicular access. Adjoining to the west and north are apparently unauthorised/unlawful storage, motor vehicle repair and van hire uses, which uses share access off the private vehicular access, with the nursery/garden centre adjoining on its other (north) side. Adjoining to the east is an area of nursery/garden centre grounds. Adjoining to the south is woodland.

- 2.2 Full planning permission is sought for change of use to an outdoor children's day nursery (Class 10). Associated development comprises surrounding fencing with two storage units therein and four parking spaces. A gate from the fenced area provides foot access to the adjoining woodland, however, the application does not include for use of the woodland. An accompanying supporting statement states that the hours of business would be Monday to Friday, 8.30am to 5.15pm, with a maximum of 24 children accommodated. In addition to the surrounding fencing and storage units, there are a number of removable structures and equipment already on site, consistent with the use proposed.

3.0 Reasoning

- 3.1 Firstly, the FPRB assessed the principle of development, assessing whether it would be acceptable to accommodate an outdoor children's day nursery within the existing safeguarded employment allocation. They considered whether it was compliant with site-specific policy objectives of the employment allocation under GLE 020 Southfield South East. Also, the strategic objectives of the FIFEplan Policies 1: Development Principles, 5: Employment Land and Property and 10: Amenity on safeguarding allocated employment areas industrial and business use and Policy 14: Built and Historic Environment on the qualities of making a successful place. They reviewed NPF4 Policy 13: Sustainable Travel around the impact of significant travel generating uses and NPF4 Policy 15: Local Living and 20 minute Neighbourhoods around successful places being appropriately connected. NPF4 Policy 23: Health and Safety was also considered to gauge the impacts on health of future users/staff and NPF4 Policy 25: Business and Industry around developments meeting the primary business function of an area and complementary uses not compromising the primary function of the business/industrial area. NPF4 Policy 1: Tackling the Climate and Nature crises was considered and afforded significant weight in decision making.
- 3.2 Based on the above, the FPRB:
- Noted initial concerns in relation to potentially prejudicing existing and future employment uses within this industrial estate. However, they deemed that the proposal would be acceptable, on balance, given the reasons below.
 - They agreed, by majority, that the proposal would not compromise the wider spatial development principles to retain and deliver employment land within this part of Glenrothes despite partial removal of this part of the employment application. They contended that this would still allow for the continued operation of nearby employment uses within this part of the industrial estate, subject to conditions limiting future amenity impacts for future users.
 - The FPRB were not persuaded that non-compliance with selected policy tests within FIFEplan Policy 5 and general delivery principles within NPF4 Policy 26 should dictate refusal. Specifically, they did not agree that any potential to impact the seven year supply of employment land within Glenrothes or the lack of marketing of the site for employment use should dictate refusal.
 - They were also aware of the FIFEplan allocation (GLE 020 Southfield South East) but considered that the loss of a small area of employment land would be reasonable.
 - The FPRB noted the risk of potentially stifling future employment uses in this location by approving the proposal but did not consider this risk to be material to decision making and accepted that the loss of such a modest area would be reasonable.

- Accessibility to/from the site was deemed to be acceptable in this instance and the location of the site was not a reason in this instance to refuse, in line with the technical discussion below.

3.3 The FPRB therefore concluded that whilst not all policy tests were met, various material considerations should be afforded significant weight in this instance to outweigh a decision being made in accordance with the relevant Development Plan policies (discussed below). As such, it was considered that the proposal would be acceptable in principle, based on the weight of the aforementioned material considerations, subject to conditions and resolution of the following technical matters.

3.4 Secondly, the FPRB assessed the road safety and sustainability impacts against NPF4 Policies: 1 Tackling the Climate and Nature Crises, 13: Sustainable Transport, 14: Design, Quality and Place, 15: Local Living and 20 Minute Neighbourhoods, and FIFEplan Policies 1: Development Principles, 3: Infrastructure and Services and 14: Built and Historic Environment. They found that:

- The site would be accessible to a range of sustainable modes of transport including a bus stop within 200 metres of the site – providing provided restricted access to the industrial estate during the morning and afternoon/evening peaks which would accommodate the majority of future users and staff.
- Additionally, they agreed that there would be an additional bus stop within a 15 minute (approx.) walk - providing an unrestricted bus service which allowing full connection throughout the day to/from Glenrothes and other parts of Fife.
- That the walk to/from bus infrastructure would be acceptable for future nursery users.
- That there were a series of sustainable active travel routes, including core paths and cycle ways that could provide additional access to the site for future users.
- That the majority of the footpath links from sustainable transport links were adopted and well lit and that only a small section of the shared private access would not have a formalised footpath or street lighting. This was deemed to be an acceptable arrangement for the FPRB in this instance.
- The FPRB deemed that any potential conflict between future users (children, parents and staff) and employment-related vehicles would be reasonable in this instance given the relatively short distance involved and the appropriate separation that could be afforded between vehicular and pedestrian users.
- Whilst potential upgrades were discussed, it was noted that the private shared access to the site was not within the applicant's control and that such upgrades, whilst encouraged, were not deemed necessary in this instance to warrant approval.
- It was also considered that there would be an acceptable level of parking provision that could meet the future needs of users and staff. However, that a condition should require a Travel Plan to ensure sustainable modes of travel are encouraged and to minimise conflict between pedestrians and vehicular users.

3.5 Overall it was considered that there would be suitable connectivity via sustainable modes of travel to/from the site in accordance with NPF4 Policy 13, NPF4 Policy 15 and FIFEplan Policy 3. It was considered that the proposal would not result in unacceptable conflict between future users and that the accessible nature of the site was reasonable in this instance to accommodate future demand in accordance with the Development Plan policies with respect to road safety and sustainability.

3.6 The FPRB then considered the amenity and public health considerations of the proposal in relation to NPF4 Policy 23: Health and Safety. They found that

- Concerns relating to potential off site emissions and detrimental amenity impacts were noted. However, the FPRB contended that future documentation including air quality, dust and noise impact assessments could be submitted to identify suitable mitigation measures to minimise and/or attenuate any unacceptable adverse amenity impacts to future users and staff.
- They contended that the uncertainty over the adjacent unauthorised use (including whether they would permanently cease) would not be a reason to refuse to grant planning permission on the ground of potential adverse public health issues.
- The FPRB noted that the site is located within close proximity, and directly adjacent, to various employment-related uses including a plant nursery. Despite this, the FPRB suggested that this did not warrant refusal. They decided, by majority, that approval of the proposed use would unlikely prejudice the existing or future employment operations within this part of the industrial estate, subject to approval of suitable air quality, dust and noise impact assessments outlining appropriate mitigation measures to be undertaken by the applicant within the nursery site to protect the future amenity of nursery users and staff.
- The FPRB acknowledged the 'agent of change' principles and the risks around the potentially sterilising nearby parts of the industrial estate if approval was granted. However, they placed limited weight on this and contended that existing and future uses were unlikely to be impacted.
- The FPRB also accepted that material considerations (below) should be afforded significant weight in determining this matter over minimising potential unacceptable amenity impacts and prejudicing future employment uses.
- They were also not persuaded that the adjacent unauthorised use would result unacceptable offsite amenity impacts. They agreed that appropriate enforcement action could be taken, or mitigation measures implemented, to address any concerns.
- Overall, it was considered that, subject to suitable conditions, the proposal should not result in unreasonable public health and immunity impacts to future residents. They considered that, on balance, the proposal would comply with the policy principles within NPF 4 Policy 23 and FIFEplan Policy 10 and that material consideration (below) would assist in providing additional weight in favour of support where all public health policy tests were not met.

3.7. The FFPRB contended that, in this instance, there were a series of material considerations that should be afforded significant weight to outweigh a determination in accordance with the Development Plan position. Specifically, the FPRB deemed that the critical need for the proposed nursery facility within this location and the opportunity for it to provide suitable alternative/flexible teaching should be given significant weight in outweighing a decision in accordance with the Development Plan and all relevant policy tests being met. They contended that providing a varied approach to learning within an area of unmet and exceptional demand would be material to the determination of this application and should be given overriding weight in favour of granting permission.

- 3.8 Overall, the FPRB concluded that the principle of development would be acceptable, despite failure to accord with all employment-related development plan policy tests and the policy allocation in FIFEplan. They suggested that material considerations (based on extant need and ability to provide alternative/flexible teaching provision) outweighed the Development Plan position and should be given significant weight in decision making to outweigh a determination that fully complied with the Development Plan and corresponding policy tests. They resolved that there would be no significant detrimental impacts relating to road safety and that the proposal would be located within an accessible location, within reasonable proximity to an acceptable range of sustainable modes travel. They also considered that there should not be any unacceptable amenity or safety impacts to future users subject to receipt of additional technical assessment in relation to noise air quality, dust and noise. They considered that the proposal would be acceptable based on the substantial weight attributed to the aforementioned material considerations and did not consider there to be any other matters that would outweigh this decision. The FPRB therefore decided that the planning permission should be granted, subject to conditions, overturning the Appointed Officer's decision.

4.0 Decision

- 4.1 The FPRB reverses the determination reviewed by them and approves Planning Permission subject to the conditions and reasons as follows:

APPROVE SUBJECT TO THE FOLLOWING CONDITIONS & REASON(S):

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

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. The hours of operation of the development hereby approved shall be restricted to between 8:30am and 5:15pm Monday to Friday unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In order to retain proper control over the use of the site and protect the amenity of the area.
3. The development hereby approved shall accommodate no more than 24 children unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In order to retain proper control over the use of the site and protect amenity of future users and the area.
4. The site shall be used solely for the purposes of outdoor children's day nursery (Class 10). The use of the site for any other purpose, including another purpose in Class 10 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order, 1997 as amended, 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 site.

5. **BEFORE ANY FURTHER WORKS COMMENCE ON SITE**, a Scheme of Air Quality and Dust Management shall be submitted and agreed in writing with Fife Council as planning authority demonstrating avoidance of adverse offsite amenity impacts from nearby uses / operations to nursery users and staff (including protection and mitigation measures required to achieve this). Following approval, this Air Quality and Dust Management Scheme, including any mitigation and protection measures, shall be fully implemented before operation of the use hereby approved re-commences and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of amenity protection for future users/staff; to ensure adequate measures are put in place to avoid adverse offsite amenity impacts from nearby employment, business and industrial operations.

6. **BEFORE ANY FURTHER WORKS COMMENCE ON SITE**, a Noise Impact Assessment shall be submitted and agreed in writing with Fife Council as planning authority with evidence demonstrating that the following sound levels within the site have been achieved unless otherwise agreed:
1. The 16hr LAeq daytime levels shall not exceed 35dB during the approved operating hours in Condition 2 when readings are taken inside any teaching room within any approved enclosed structure; and
 2. The 16hr LAeq daytime levels shall not exceed 50dB during the approved operating hours in Condition 2 for all outdoor areas within the site (excluding parking area).

Any requirements or mitigation measures within the Noise Impact Assessment shall be completed and retained for the lifetime of the development. Evidence shall be submitted to and approved in writing by the planning authority to demonstrate the aforementioned sound levels have been achieved, before the operation of the use hereby approved.

Reason: In the interests of safeguarding the amenity of adjoining and nearby noise sensitive receptors from the effects of significant noise.

7. **BEFORE ANY FURTHER WORKS COMMENCE ON SITE**, a Travel Plan shall be submitted and agreed in writing with Fife Council as planning authority setting out specific targets and measures to encourage sustainable travel to and from the site and to how vehicle access, drop off/pick up and customer/staff parking areas will function to avoid conflict with sustainable travel movements. The Travel Plan will require to be distributed to parents/staff and updated as appropriate.

Reason: To ensure suitable measures are put in place encourage and maximise sustainable travel to/from the approved development and minimise impacts with vehicular access and parking.

8. **BEFORE ANY FURTHER WORKS COMMENCE ON SITE**, a surface water management and drainage scheme shall be submitted and agreed in writing with Fife Council as planning authority. Following approval, this surface water management and drainage scheme shall be fully implemented before any development hereby approved commences and shall be retained and maintained for the lifetime of the development.

Reason: To ensure that adequate measures are put in place to deal with surface water drainage.

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

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

Advisory notes

1. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
3. Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended))

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Proper Officer

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

*Notification to be sent to applicant on refusal of planning permission or
on the grant of permission subject to conditions*

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

*Notification to be sent to applicant on determination by the planning authority of an
application following a review conducted under section 43A(8).*

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.