

Fife Planning Review Body

Due to Scottish Government guidance relating to Covid-19, this meeting will be held remotely



Monday, 9th August, 2021 - 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 of the Committee 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 Fife Planning Review Body of 28th June, 2021. 5
4. **APPLICATION FOR REVIEW - 102 HIGH STREET, NEWBURGH, CUPAR (APPLICATION NO. 20/03123/FULL)** - Change of use from shop store to manager's residential accommodation and external alterations including blocking up of door, installation of door and repairs to windows
 1. Notice of Review 6 – 17
 2. Decision Notice and Report of Handling 18 – 32
 3. Consultee Comments 33 - 41

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.

Eileen Rowand
Executive Director
Finance and Corporate Services
Fife House
North Street
Glenrothes
Fife, KY7 5LT

2nd August, 2021.

If telephoning, please ask for:
Michelle McDermott, Committee Officer, Fife House
Telephone: 03451 555555, ext. 442238; email: Michelle.McDermott@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on
www.fife.gov.uk/committees

Local Review meeting

Guidance Notes on Procedure

1. Introduction by Convener

- Convener introduces elected members and advisers; both there to advise the Review Body and not argue the officer's case; planning adviser in particular independent of the planning officer who made the decision.
- Convener advises members that photos/powerpoint are available
- Convener clarifies procedure for meeting and asks members if they have any points requiring clarification

2. Minutes of previous meeting

Review Body requested to approve minute of last meeting

3. Outline of first item - Convener

4. Powerpoint presentation of photos/images of site

Convener advises other documents, including Strategic Development/Local Plan and emerging plan(s) are there for Members to inspect if necessary, and asks members to ask Planning Adviser points of clarification on the details of the presentation.

5. Procedural agreement.

Members discuss application and decide whether –

- decision can be reached today
- if there is any new information, whether this is admissible or not in terms of the legislation
- more information required, and if so, if
- written submissions required
- site visit should be arranged (if not already happened)
- Hearing held

6. Assessment of case. Convener leads discussion through the key factors (assuming we can proceed)

Members should recall that planning decisions should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. Accordingly, it is important the Members debate each point fully and explain whether they are following policy, or, if not, what material considerations lead them to depart from it. If they are taking a different view of policy from the officer who made the original decision they should make this clear.

a) Convener asks the LRB to consider

- Report of Handling and
- the applicant's Review papers

to establish the key issues pertinent to this case

- b) Detailed discussion then takes place on the key issues with specific regard to
 - Strategic Development Plan
 - Local Plan
 - Emerging Plan(s)
 - Other Guidance
 - National Guidance
 - Objections

Legal/Planning Advisers respond to any questions or points of clarification from elected members

- c) Convener confirms the decision made by the LRB. At this stage if a conditional approval is chosen then additional discussion may be necessary regarding appropriate conditions

7. Summing Up by the Convener or the Legal Adviser identifying again the key decision reached by the LRB

8. Next stages Convener confirms the next stages for the benefit of the audience:

- Draft decision notice
- Agreed by Convener
- Issued to applicant and interested parties (posted on Idox)
- Approximate timescale for issuing decision. (21 days)

9. Closure of meeting or on to next item

Version 5
31.10.2017

THE FIFE COUNCIL - FIFE PLANNING REVIEW BODY – REMOTE MEETING

28th June, 2021.

2.00 p.m. – 2.40 p.m.

PRESENT: Councillors David Barratt (Convener), Mino Manekshaw, Alice McGarry, Ross Paterson and Bill Porteous.

ATTENDING: William Shand, Strategic Development Manager, Economy, Planning and Employability Services; and June Barrie, Manager (Legal Services), Legal and Democratic Services.

107. DECLARATIONS OF INTEREST

No declarations of interest were made in terms of Standing Order No. 7.1.

108. MINUTE

The minute of the Fife Planning Review Body of 10th May, 2021 was submitted.

Decision

The Review Body approved the minute.

109. APPLICATION FOR REVIEW - WEST MILL FARM, STRATHMIGLO, CUPAR (APPLICATION NO. 20/02466/FULL)

The Review Body considered the Application for Review submitted by studioEAST Chartered Architects, on behalf of Ms. D. Hill, in respect of the non-determination of planning permission for the conversion and renovation of stables to form guest accommodation (Application No. 20/02466/FULL).

Decision

The Review Body agreed:-

- (1) there was insufficient information before them to proceed to decide the matter and required the following information to be provided:-
 - (i) the applicant to provide, within 7 days, clarification of whether the guest accommodation was to be ancillary to the main dwellinghouse or stand alone guest accommodation to be let out;
 - (ii) the case officer to provide, within 14 days, a Report of Handling setting out the policy position and assessment criteria for the application, an assessment against these criteria and a list of conditions;
 - (iii) a consultation response from the Built Heritage officer within 14 days on whether the building is included in the listing of the main dwelling and the impact of the development on the listed buildings.
- (2) a site visit be carried out.

Agenda Item 4(1)

**102 High Street, Newburgh, Cupar
Application No. 20/03123/FULL**

Notice of Review



Fife House North Street Glenrothes KY7 5LT Tel: 03451 55 11 22 Email: development.central@fife.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100339906-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Arthur Stone Planning & Architectural Design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Sam	Building Name:	
Last Name: *	Stone	Building Number:	85
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY14 6DA
Email Address: *	sam@arthurstoneplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Sharanjit"/>	Building Number: <input type="text" value="102C"/>
Last Name: *	<input type="text" value="Bookher"/>	Address 1 (Street): * <input type="text" value="High Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Newburgh"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Fife"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="KY14 6DA"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="102 HIGH STREET"/>
Address 2:	<input type="text" value="NEWBURGH"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="CUPAR"/>
Post Code:	<input type="text" value="KY14 6DA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="718312"/>	Easting	<input type="text" value="323460"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use from shop store to managers residential accomodation

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see accompanying statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Site plan, block plan, existing plan, proposed plan, Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/03123/FULL

What date was the application submitted to the planning authority? *

11/12/2020

What date was the decision issued by the planning authority? *

23/03/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Alison Arthur

Declaration Date: 04/06/2021



Arthur Stone Planning
& Architectural Design



85 High Street
Newburgh. KY14 6DA

Tel: 01337 840088

www.arthurstoneplanning.co.uk
info@arthurstoneplanning.co.uk

14/05/2021

Local Review Body

Fife Council

Fife

Dear Sir/Madam,

Application to Local Review Body: 20/03123/FULL Change of Use of Shop Store to Managers Residential Accommodation and External Alterations including Blocking up of Door, Installation of Door and Repairs to Windows at 102 High Street, Newburgh

My Client, Mr Bookher is the proprietor of the Newburgh Post Office on the High Street in the centre of Newburgh, Fife. Mr Bookher has owned the property for more than 16 years and manages the business alone with the occasional help of family. In December 2020, Mr Bookher applied for planning permission to convert an existing storage building to the rear of the post office premises to living accommodation for a dedicated Shop Manager. The building itself was previously used as a storage area but has not been used for some time and is now in need of upkeep both externally and internally.

Mr Bookher wished to create a small accommodation unit for a shop manager for a variety of reasons; the principle reason being that with ongoing restrictions due to the Corona Virus Pandemic (including travel and self-isolation concerns) he wishes to have the flexibility to have a separate Manager run this essential town centre shop and live directly beside the business. In addition, the existing shop only has an outside toilet. This causes difficulty during the winter months when pipes tend to freeze etc, which makes it difficult for the owner to retain staff on any long term basis.

Despite having what we considered to be positive discussions with the Planning Officer, the application was refused planning permission out of the blue in March 2021 for the following reasons:

1. In the interests of safeguarding visual amenity; the proposed replacement windows and door

would result in a significant detrimental impact on the appearance of the building and would be contrary to policy 1, 10 and 14 of FIFEplan (2017).

2. In the interests of safeguarding residential amenity; the proposed dwelling would lack any amenity space or waste management facilities and as such would be contrary to policy 1 and 10 of FIFEplan (2017) and Fife Councils Customer Guidelines on Garden Ground (2016). It would not provide any private amenity space or refuse storage area.

3. In the Interests of safeguarding residential amenity; the proposed change of use would result in the loss of privacy to the proposed flat windows. The existing garden area (to the east) would overlook the proposed flat windows and would be contrary to policy 1 and 10 of FIFEplan (2017).

4. In the interests of road and pedestrian safety; the proposed managers residential accommodation would not have any off-street parking spaces. This would have an unacceptable impact on road and pedestrian safety and would be contrary to policy 1 and 3 of FIFEplan (2017) and Making Fife's Places - Transportation Development Management Guidelines (2018).

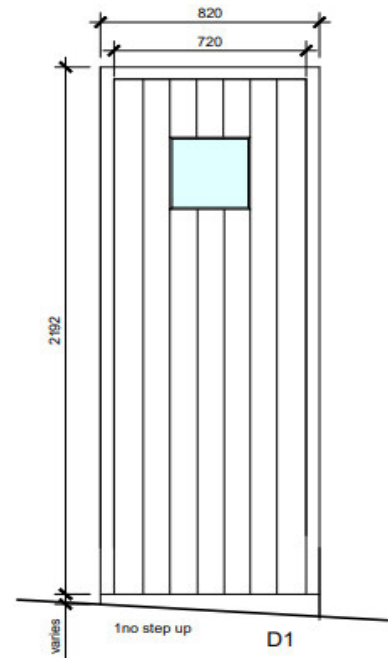
Given the Reasons for Refusal and the degree of discussion we had with the Planner beforehand, which we understood to be positive, we would be grateful if the Local Review Body Members would reconsider the decision made by Fife Council in this case for the following. Taking each of the reasons for refusal individually:

1. In the interests of safeguarding visual amenity; the proposed replacement windows and door would result in a significant detrimental impact on the appearance of the building and would be contrary to policy 1, 10 and 14 of FIFEplan (2017).

The proposed replacement door, as illustrated below is considered to be completely traditional ie a timber panelled door painted white. This is also far more traditional than the door currently in place in the building (see photograph on following page). In respect of the windows, the applicant has always intended to simply repair and maintain the existing timber sash and case windows rather than replace them. This was questioned by the Planner in several emails (which can be provided) and was confirmed to them in writing as requested. We therefore d not understand why this has not been acknowledged by the Planner in their assessment.

2. In the interests of safeguarding residential amenity; the proposed dwelling would lack any amenity space or waste management facilities and as such would be contrary to policy 1 and 10 of FIFEplan (2017) and Fife Councils Customer Guidelines on Garden Ground (2016). It would not provide any private amenity space or refuse storage area.

This application is for work-related accommodation that is required as part of the business and not for normal residential purposes. It may be that the accommodation is not used on a full-time basis but for certain periods by a manager ie during the week or to cover specific shift patterns. Therefore, it is considered that it does not necessarily need the normal amount of garden space that would be enjoyed by a full-time resident. The applicant does own land that would be available to use for refuse on the site; however, this question was not asked of us by the Planner.



The building is located within the town centre, meeting the Government’s advice to locate new premises in existing urban settings rather than greenfield or rural sites. The proposal is for the sustainable reuse and upgrading of an unused building in the conservation area. In addition, the town of Newburgh has an abundance of public open space and parks available for exercise purposes and there is a wealth of similar flatted properties within the town centre that have no access to their own private open space.

3. In the Interests of safeguarding residential amenity; the proposed change of use would result in the loss of privacy to the proposed flat windows. The existing garden area (to the east) would overlook the proposed flat windows and would be contrary to policy 1 and 10 of FIFEplan (2017).

It is not intended that the proposed flat would incorporate any garden ground. Therefore, we do not understand this reason for refusal given by the Planner. There is a common walkway located directly to the east of the building, which is used by several residents to access their properties. However, this is a common area and all the existing surrounding residences are in the same position. This situation is no different to any other part of the town of Newburgh where residences front onto the main street/pavements. If this standard were applied to every property, there would be no residences permitted in town centres. The west of the property is private. Photographs included to illustrate the walkway.



4. In the interests of road and pedestrian safety; the proposed managers residential accommodation would not have any off-street parking spaces. This would have an unacceptable impact on road and pedestrian safety and would be contrary to policy 1 and 3 of FIFEplan (2017) and Making Fife's Places - Transportation Development Management Guidelines (2018).

We argued during the course of this application that the use of the building as Manager's accommodation is less onerous in travel terms than that associated with a regular dwelling. Vehicle trips that would normally take place between the workplace and home will now be substantially reduced due to the Manager living on site even for part of the week. The property is located within a town centre, which has regular bus services and both on street parking and town centre car parks available for longer term parking. We discussed this with the Planning Officer and understood this matter to have been acceptable.

We welcome the Local Review Body's comments on these matters.

Kindest regards,

Samantha Stone

MA Hons MRTPI

Director Arthur Stone Planning and Architectural Design Ltd.



20/03123/FULL

**DECISION NOTICE
FULL PLANNING PERMISSION**

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 20/03123/FULL
Proposal: Change of use from shop store to managers residential accommodation and external alterations including blocking up of door, installation of door and repairs to windows
Address: 102 High Street Newburgh Cupar Fife KY14 6DA

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 20/03123/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of safeguarding visual amenity; the proposed replacement windows and door would result in a significant detrimental impact on the appearance of the building and would be contrary to policy 1, 10 and 14 of FIFEplan (2017).
2. In the interests of safeguarding residential amenity; the proposed dwelling would lack any amenity space or waste management facilities and as such would be contrary to policy 1 and 10 of FIFEplan (2017) and Fife Council's Customer Guidelines on Garden Ground (2016). It would not provide any private amenity space or refuse storage area.
3. In the interests of safeguarding residential amenity; the proposed change of use would result in the loss of privacy to the proposed flat windows. The existing garden area (to the east) would overlook the proposed flat windows and would be contrary to policy 1 and 10 of FIFEplan (2017).
4. In the interests of road and pedestrian safety; the proposed managers residential accommodation would not have any off-street parking spaces. This would have an unacceptable impact on road and pedestrian safety and would be contrary to policy 1 and 3 of FIFEplan (2017) and Making Fife's Places - Transportation Development Management Guidelines (2018).

Dated: 23rd March 2021

Mary Stewart

For Head of Planning Services
Decision Notice (Page 1 of 2) Fife Council

Proposal Details

Proposal Name	100339906
Proposal Description	Change of use from shop store to managers residential accommodation
Address	102 HIGH STREET, NEWBURGH, CUPAR, KY14 6DA
Local Authority	Fife Council
Application Online Reference	100339906-003

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Post office Newburgh local review body Appeal	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

Agenda Item 4(2)

**102 High Street, Newburgh, Cupar
Application No. 20/03123/FULL**

Planning Decision Notice

Report of Handling

Arthur Stone Planning & Architectural Design
Limited
Alison Arthur
85 High Street
Newburgh
United Kingdom
KY14 6DA

Planning Services

Kerry Gibson
development.central@fife.gov.uk

Your Ref:
Our Ref: 20/03123/FULL

Date 23rd March 2021

Dear Sir/Madam

Application No: 20/03123/FULL
Proposal: Change of use from shop store to managers residential accommodation and external alterations including blocking up of door, installation of door and repairs to windows
Address: 102 High Street Newburgh Cupar Fife KY14 6DA

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Kerry Gibson, Graduate Planner

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 20/03123/FULL
Proposal: Change of use from shop store to managers residential accommodation and external alterations including blocking up of door, installation of door and repairs to windows
Address: 102 High Street Newburgh Cupar Fife KY14 6DA

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 20/03123/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of safeguarding visual amenity; the proposed replacement windows and door would result in a significant detrimental impact on the appearance of the building and would be contrary to policy 1, 10 and 14 of FIFEplan (2017).
2. In the interests of safeguarding residential amenity; the proposed dwelling would lack any amenity space or waste management facilities and as such would be contrary to policy 1 and 10 of FIFEplan (2017) and Fife Councils Customer Guidelines on Garden Ground (2016). It would not provide any private amenity space or refuse storage area.
3. In the Interests of safeguarding residential amenity; the proposed change of use would result in the loss of privacy to the proposed flat windows. The existing garden area (to the east) would overlook the proposed flat windows and would be contrary to policy 1 and 10 of FIFEplan (2017).
4. In the interests of road and pedestrian safety; the proposed managers residential accommodation would not have any off-street parking spaces. This would have an unacceptable impact on road and pedestrian safety and would be contrary to policy 1 and 3 of FIFEplan (2017) and Making Fife's Places - Transportation Development Management Guidelines (2018).

Dated: 23rd March 2021

Mary Stewart

For Head of Planning Services

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan
02	Block Plan
03	Existing various eg elevation, floor etc
04A	Proposed various - elevation, floor etc
05	Supporting Statement

Dated:23rd March 2021

Mary Stewart

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fifedirect.org.uk/planning. Completed forms should be sent to:

Fife Council, Committee Services, Corporate Services Directorate

Fife House

North Street

Glenrothes, Fife

KY7 5LT

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, 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, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

REPORT OF HANDLING**APPLICATION DETAILS**

ADDRESS	102 High Street, Newburgh, Cupar		
PROPOSAL	Change of use from shop store to managers residential accommodation and external alterations including blocking up of door, installation of door and repairs to windows		
DATE VALID	11/12/2020	PUBLICITY EXPIRY DATE	None
CASE OFFICER	Kerry Gibson	SITE VISIT	02/03/2021
WARD	Howe Of Fife And Tay Coast	REPORT DATE	22/03/2021

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT

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

1.0 BACKGROUND

1.1 This application relates to a ground floor storeroom located to the rear of an existing Post Office shop. There are two flatted dwellings above the retail unit/ storeroom and there is another dwelling to the rear (north) of the building. The building is a terraced, two storey building which is constructed from stone, timber windows and a pitched roof with a mix of slate and concrete tiles.

The application site is located on Newburgh High Street and is within the Conservation area and Local Shopping Centre- as designated in FIFEplan (2017). It is bound by retail units to the east and west, the high street to the south and a house to the north. The immediate area features a mix of uses including residential, business and retail. There is a small courtyard area to the east of the site and pedestrian access can be taken from a path leading to the high street. These areas have not been included within the site boundary. There is no garden area, parking or vehicular access associated with the site.

1.2 This application seeks full planning permission for a change of use from shop store to managers residential accommodation and external alterations including blocking up of door, installation of door and repairs to windows.

1.3 It is proposed to replace the existing brown painted, timber door with a white painted, timber/glazed door. It is proposed to remove the other door and block up the opening with stone to match the existing external walls. It is also proposed to refurbish and paint the existing timber sash and case windows white. The area to be converted into a flat is approximately 30sqm and would include two bedrooms. The flat would not have any garden ground or parking associated with it and there would be no internal access from the shop into the proposed flat.

1.4 Relevant planning history:

08/01414/EFULL- This application was for the change of use of storeroom to flat dwelling and was refused on 24/09/2008. The reasons for refusal include: the proposed installation of uPVC windows would harm the appearance of the conservation area; there would be no garden ground; there would be no off-street parking; and there would be a loss to the privacy of the neighbour's garden and window.

2.0 POLICY ASSESSMENT

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Garden Ground and Waste Management
- Road Safety

2.2 Principle of Development

2.2.1 The Scottish Government's Scottish Planning Policy (SPP) (2014) and Policies 1 of FIFEplan (2017) apply regarding the principle of the development.

2.2.2 Policy 1, Part A, of FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and is compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan.

2.2.3 The principle of residential development is established as the site is located within the Newburgh settlement boundary (FIFEplan, 2017). The proposed development is deemed to be suitable for its location and is therefore considered to be acceptable in principle. The overall

acceptability of any such development must however also satisfy other relevant Development Plan policy criteria as identified in Section 2.1 of this report.

2.3 Design and Visual Impact

2.3.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Policy for Scotland (May 2019), Managing Change in the Historic Environment - Windows (2010), Newburgh Conservation Area Appraisal and Conservation Area Management Plan (2017), Fife Council Customer Guidelines - Windows in Listed Buildings and Conservation Areas (2018) and Policies, 1, 10 and 14 of FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) apply.

2.3.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special attention should be given to the desirability of preserving or enhancing the character or appearance of the conservation area. Scottish Planning Policy 2014 (Valuing the Historic Environment) recognises that planning has an important role in maintaining and enhancing distinctive and irreplaceable historic sites to create and maintain successful places that enrich quality of life. It states that proposals for developments in conservation areas should protect or enhance the character or appearance of the area.

2.3.3 Policy 1 of FIFEplan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 10 advises development will be supported where it does not have a significant detrimental impact on the amenity of existing land uses including in relation to the visual impact of the development on the surrounding area. Policy 14 states that development which protects or enhances buildings or other built heritage of special architectural interest will be supported. Proposals will not be supported where it is considered they will harm or damage the special appearance of the conservation area. Due regard must also be given to conservation area appraisals and associated management plans. Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how developments proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.4 It is proposed to replace the existing plain, brown painted, timber door (east elevation) with a white painted, timber/ glazed door. Although the proposed door would not be of a traditional design or colour it is considered that the replacement of this alone would have a limited impact on the appearance of the building or conservation area. Similarly, the blocking up of the other door with stone to match the existing would be acceptable and would have no impact on the appearance of the conservation area. This work along with the proposed repainting of the windows white would generally have been acceptable however, from the site visit, it was evident that the submitted plans do not accurately reflect the current situation. The existing and proposed window elevations detail painted bottom opening, one over one, casement windows which are to be refurbished and painted white. From the site visit, it was found that the existing windows are dilapidated six over six sliding sash and case and therefore would likely need to be replaced or significantly refurbished. This would need to be on a like for like basis. As such, it is considered that the cumulative impact of the replacement of the traditional windows with a modern style along with the modern replacement doors would not be acceptable and would detract from the overall appearance of the building. Given that the proposal is unacceptable for

other amenity, infrastructure and road safety reasons it was not found necessary to raise this inconsistency with the applicant.

2.3.5 In light of the above, the submitted drawings appear to be incorrect and therefore the proposed external alterations to the windows and doors would not be acceptable and would be detrimental to the appearance of the building. As such, the proposed works would not comply with FIFEplan (2017) and other guidance.

2.4 Residential Amenity

2.4.1 Planning Advice Note (PAN) 1/2011 - Planning and Noise, Policies 1 and 10 of FIFEplan (2017) and Fife Council Customer Guidelines for Minimum Distances between Window Openings (2011) apply.

2.4.2 PAN 1/2011 establishes the best practice and the planning considerations to be considered regarding developments that may generate noise. Policy 10 advises that development proposals should be compatible with their surroundings in terms of their relationship to existing dwellings by demonstrating the development shall not lead to significant impacts on amenity in relation to noise and odour pollution.

2.4.3 Policy 10 of FIFEplan (2017) states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the loss of privacy, sunlight and daylight. Further to this, new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected.

2.4.4 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. One of the reasons the previous application was refused was due to a loss of privacy onto neighbouring garden ground and windows to the west. The property to the west has since been converted into a bakery and therefore there are no longer significant concerns in relation to a lack of privacy to windows or garden ground. Having said this, the proposed flat would be set within a building containing three other dwellings, two of which overlook the neighbouring courtyard/garden area to the east of the site. The proposed flat would also overlook this area. Given that the existing garden area already lacks privacy it is considered that the addition of the flat would not have a significant detrimental impact on this, however it is considered that the private use of this area would have a significant impact on the privacy of the future occupier of the flat. The existing garden area extends to the windows and doors of the proposed dwelling meaning that these windows would suffer from a lack of privacy. As such, it is considered that the windows of the proposed flat would suffer from a significant loss of privacy and that the conversion to managers residential accommodation would be unacceptable.

2.4.5 Fife Council's Environmental Health team has been consulted and has advised that due to the mixed-use area of the site there is potential for future occupiers to be disturbed by noise. They have recommended that a condition be added to any consent which requires that the proposed flat dwelling should not be occupied by anyone other than the owner or member of staff from the post office business. As such, it is considered that there would be no significant detrimental impact on neighbouring properties in relation to noise.

2.4.6 In light of the above, although the proposal would comply with FIFEplan (2017) and other guidance in relation to noise it would have an unacceptable impact on overlooking and therefore would be contrary to the development plan and its associated guidance.

2.5 Garden Ground and waste Management

2.5.1 Policies 1 and 3 of FIFEplan (2017) Fife Council's Customer Guidelines on Garden Ground (2016) apply.

2.5.2 Policy 3 requires developments to be designed in a manner which ensures that they will be served by adequate infrastructure and services. Developers must show how their proposals will provide adequate space in the site for the management of waste. This includes arrangements for waste storage, recycling and collection.

2.5.3 Fife Council's Customer Guidelines on Garden Ground (2016) advise that all flats must be set in or have at least 50 sqm of private garden ground. New gardens must also be designed so residents do not have to move wheeled refuse bins through the inside of the house to put them outside for collection. Enough space must also be provided for the storage of wheeled bins.

2.5.4 In this case, the site boundary does not enclose any amenity space or area to store bins. There is a small courtyard area (approx. 45 sqm) to the east of the site, however it is not clear who owns this section of land or whether the proposed dwelling could benefit from its use. From the site visit, it appears that this area is being used as an amenity space/ bin storage area for two of the existing flats and the post office business. This would mean the area is already being used to store at least six bins. There is also some amenity space further north of the application site however this appears to be associated with the property to the rear (north) of the building. There is no other amenity space which could be used by the post office or existing flats. The closest area of open space is the public park, which is approximately a 7 minute (0.3mile) walk from the site. The site is very constrained and with the existing flats and post office already utilising the limited open space it is considered that the change of use would result in overdevelopment of the area. Although the site is within a town centre location and the accommodation would be for a shop manager, the application site boundary is drawn such that the site includes only the building footprint. There is no opportunity to provide the necessary bin storage or any private amenity space and this would be significantly detrimental to the amenity of the site and future occupants of the proposed dwelling. The previous application (08/01414/EFULL) for a change of use to flatted dwelling was also refused based on a lack of garden ground. There has been no change to the situation since then.

2.5.5 In light of the above, the proposal is contrary to FIFEplan (2017) and its associated guidance and is not acceptable in relation garden ground.

2.6 Road Safety

2.6.1 Policies 1 and 3 of FIFEplan (2017) and Making Fife's Places - Transportation Development Management Guidelines (2018) apply in this instance.

2.6.2 Policies 1 and 3 of the FIFEplan (2017) advise that development must be designed in a manner that ensures safe access to transport, footpath and cycle links.

2.6.3 Making Fife's Places - Transportation Development Management Guidelines (2018) state that a driveway must have a minimum depth of 6 metres from the rear of the public footway. It

also states that a turning area for a car must be provided for a vehicular access being formed from a classified road. Further to this, it specifies that private accommodation with 2 bedrooms must have a minimum of one off-street car parking spaces. Alternatively, if the accommodation is to be tied to a shop then there would still be a requirement for one parking space for the shop worker/owner.

2.6.4 The proposed development would include two bedrooms. There is no off-street parking associated with the site. In 2008, an application was submitted for a similar proposal. This was refused based on road safety grounds and a lack of any off-street parking. Fife Council's Transportation Development Management have been consulted and have noted that no off-street parking is proposed. A supporting statement has been submitted which states that the dwelling is intended for a shop manager and that this would reduce the number of vehicle trips to and from the site. Despite this, TDM advise that one off street parking space would still be required. As such Fife Council's TDM have recommended refusal in the interests of road and pedestrian safety. No proposal or alternative solution has been suggested to provide the parking space.

2.6.5 Although there is a pedestrian access pend to the south east of the site, this has not been included within the planning application site boundary. As such it is not clear where access would be taken from. Although Newburgh does have some public on street parking, along the high street, this would not be suitable for extended periods of time (it is time restricted) and is often very busy. As such, it is considered that the proposal would not be able to meet the requirement to provide one off street parking space and no details of pedestrian access to the site have been provided or included within the site boundary. The previous application (08/01414/EFULL) for a change of use to flatted dwelling was also refused based on a lack of off-street parking. There has been no change to the situation since then.

2.6.6 In light of the above, it is considered that the proposal would be contrary to FIFEplan (2017) and its associated guidance and is not acceptable on pedestrian and road safety grounds.

CONSULTATION RESPONSES

Environmental Health (Public Protection)
Scottish Water
Transportation, Planning Services

Recommend approval subject to condition.
No objection.
Recommend refusal.

REPRESENTATIONS

None.

CONCLUSION

The proposed change of use is acceptable in terms of daylight/sunlight and noise however it is considered that it would have an unacceptable impact on amenity in relation to design/ style, overlooking, the provision of garden ground/ waste facilities and road/pedestrian safety. If approved, the development would detrimentally impact on road safety and would be contrary to policies 1 and 3 of FIFEplan (2017) and Making Fife's Places Transportation Development Management Guidelines (2018). It would also have a detrimental impact on amenity as the existing garden area would directly overlook the proposed flat windows. In addition, the lack of private garden ground, and a bin storage area would be contrary to policies 1 and 10 of FIFEplan (2017) and Fife Council's Planning Customer Guidelines on Garden Ground (2016). Further to this, the submitted elevation drawings appear to be incorrect and therefore the visual impact cannot be fully assessed. The replacement of six over six sash and case windows with one over one bottom opening windows along with the replacement door would have a detrimental impact on the appearance of the building and would be contrary to policies 1, 10 and 14 of FIFEplan (2017) and its associated guidance.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of safeguarding visual amenity; the proposed replacement windows and door would result in a significant detrimental impact on the appearance of the building and would be contrary to policy 1, 10 and 14 of FIFEplan (2017).
2. In the interests of safeguarding residential amenity; the proposed dwelling would lack any amenity space or waste management facilities and as such would be contrary to policy 1 and 10 of FIFEplan (2017) and Fife Councils Customer Guidelines on Garden Ground (2016). It would not provide any private amenity space or refuse storage area.
3. In the Interests of safeguarding residential amenity; the proposed change of use would result in the loss of privacy to the proposed flat windows. The existing garden area (to the east) would overlook the proposed flat windows and would be contrary to policy 1 and 10 of FIFEplan (2017).
4. In the interests of road and pedestrian safety; the proposed managers residential accommodation would not have any off-street parking spaces. This would have an unacceptable impact on road and pedestrian safety and would be contrary to policy 1 and 3 of FIFEplan (2017) and Making Fife's Places - Transportation Development Management Guidelines (2018).

National Guidance

Scottish Planning Policy (2014) (Valuing the Historic Environment)
Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
Historic Environment Scotland's Policy Statement (2019)
Historic Environment Scotland's Managing Change in the Historic Environment- Windows (2010-
updated 2020)
PAN 1/2011: Planning and Noise

Development Plan:

FIFEplan Local Development Plan (2017)
Making Fife's Places - Transportation Development Management Guidelines (2018)

Other guidance:

Newburgh Conservation Area Appraisal and Management Plan (2017)
Fife Council's Planning Guidelines for Windows in Listed Buildings and Conservation Areas
(2018)
Fife Council's Planning Customer Guidelines on Garden Ground (2016)
Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings
(2011)

Agenda Item 4(3)

**102 High Street, Newburgh, Cupar
Application No. 20/03123/FULL**

Consultee Comments

Tuesday, 12 January 2021



Local Planner
Fife House
North Street
Glenrothes
KY7 5LT

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: 102 High Street, Newburgh, Cupar, KY14 6DA
PLANNING REF: 20/03123/FULL
OUR REF: DSCAS-0029961-RC7
PROPOSAL: Change of use from shop store to managers residential accommodation |

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the LOMOND HILLS Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the NEWBURGH Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
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Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices

to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



Economy, Planning & Employability Services

**Town and Country Planning (Scotland) Act 1997
Application for Permission to Develop Land**

Response from Public & Environmental Protection Team

PPT Reference No:	21/01870/CONPLA		
Name of Planning Officer dealing with the matter:	Kerry Gibson		
Application Number:	20/03123/FULL		
Proposed Development:	Change of use from shop store to managers residential accommodation and external alterations including blocking up of door, installation of door and repairs to windows		
Location:	102 High Street Newburgh Cupar Fife KY14 6DA		
Date Required By Planning:	-----	Decision Notice Required?	-----
COMMENTS			
<p>The application is for the change of use from a shop store to residential accommodation for a shop manager, including external alterations.</p> <p>The proposed site is located to the rear of an existing Post Office business on Newburgh High Street with a flatted dwelling on the upper level, commercial premises either side and a residential property further to the rear.</p> <p>Given the mixed use area of the site there is potential for future occupiers to be disturbed by noise however I can confirm that the Public Protection Team would have no objections to the application providing it remained in the same ownership as the Post Office business and the following occupancy condition was included in any given consent.</p> <p><u>Condition</u></p> <p>The residential accommodation hereby permitted shall not be occupied other than by the owner, member of staff or dependents thereof the Post Office business unless otherwise agreed in writing by the local planning authority.</p>			

These are the comments of the Environmental Health (Public Protection) Team, for comment on Contaminated Land or Air Quality you should consult the Land & Air Quality Team.

Date:	16.02.2021	Officer:	Ingrid Wallace Student Environmental Health Officer
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Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	20/03123/FULL
Application Description:	Change of use from shop store to managers residential accommodation at 102 High Street, NEWBURGH.
Date:	10/02/2021
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input type="checkbox"/> Non-statutory
Consultation Summary	

Important Note

This is an internal planning assessment response provided from within Planning Services. It forms part of the overall assessment to be carried out by Staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course. The assessment will not be made publicly available until the case officer has completed the overall planning assessment.

Assessment Summary

1.0 OVERALL ASSESSMENT

1.1 The application is for the change of use from a shop storage area to a manager's residential accommodation.

1.2 An application was submitted in 2008 for a separate residential accommodation for this shop store. This application was refused for a number of reasons, one of which was on road safety grounds on the lack of any off street parking.

1.3 This application is for a two bedroom dwelling which would require 2 No. off street parking spaces. There is no facility available to accommodate any off street parking.

1.4 It is stated within the application statement that the dwelling is intended for a shop manager and that this would reduce the vehicle trips to and from the shop as the manager would live on site. There is no guarantee however, that the proposal will remain as a manager's residence in perpetuity unless the dwelling can be tied to the existing shop or a shop worker.

1.5 This being the case, in line with Fife Council Parking Standards, the proposal does not meet the off street parking provision requirement.

1.6 Even if the proposed house could be tied to the existing shop, i.e at least one resident must be employed in the shop, there would still be a net requirement for one off street parking space, which cannot be provided.

2.0 CONCLUSIONS

2.1 Based on the above overall assessment, Transportation Development Management have **objections** the interest of road and pedestrian safety as noted in the following paragraphs;

3.0 RECOMMENDATIONS (include any suggested conditions/planning obligations if considering approval)

3.1 The proposed development would require a total of 2 No. off street parking spaces (or 1 off street parking space if the proposed dwelling can be tied to the existing shop). There has been no off-street car parking provision included as part of the application to comply with the Fife Council Parking Standards.

This is a policy refusal based on the fact that Fife Council Development Guidelines Parking Standards cannot be met on this site.

Important note

The above internal planning assessment response has been prepared at officer level within the Planning Services team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application, can legitimately give a different weighting to the individual strands of the assessment, including consultation responses, and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Author: George MacDonald, Technician Engineer, Transportation Development Management

Date: 12/02/2021

E-mail: george.macdonald@fife.gov.uk Tel Number: 03451 555555 extension 450447

Signed by Richard Simmons, Lead Officer, Transportation Development Management

Date: 16/02/2021

E-mail: richard.simmons@fife.gov.uk Tel Number: 03451 555555 extension 450438