

FPRB Reference. 20/352

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: 40 Millhill Street, Dunfermline, Fife, KY11 4TG
- Application for review by Mr Kevin Kit against the decision by an appointed officer of Fife Council
- Application 20/03024/FULL for Full Planning Permission for Change of use from flatted dwelling (Sui Generis) to dental and healthcare clinic (Class 2) and external alterations including installation of handrail and installation of door
- Application Drawings:
04 - Additional Information, 05 - Supporting Statement, 01 - Location Plan, 02 - Existing various eg elevation, floor etc, 03 - Proposed various - elevation, floor etc,
- No Site Inspection took place.

Date of Decision Notice: 15th October, 2021.

Decision

The FPRB reverses the determination reviewed by them and approves Planning Permission subject to the conditions 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 27 September 2021. The Review Body was attended by Councillors David Barratt (Convener), Alice McGarry, Graham Ritchie, Bill Porteous and Rosemary Liewald.

2.0 **Proposal**

- 2.1 The development site is a ground floor flatted dwelling located at the corner of Millhill Street and George Street of Dunfermline. While the property is in a corner location, it also forms a terraced row with other properties on both aforementioned streets. The properties in the terrace are two storeys in height and largely residential in nature. This dwelling has a shared entrance hall with other properties in the block and has a small front garden area with existing external steps.

- 2.2 The property has a historic use as an office and planning permission was approved in 2004 to convert the office into a flatted dwelling and this was implemented and the property is currently in use as a flatted dwelling.
- 2.3 The proposed development is for a change of use from a flatted dwelling to a dental and healthcare clinic (Class 2). This would involve external alterations including the formation of a new door on the corner of the building and the erection of a handrail on the steps at the corner of the property which would lead to this new door. A small portion of boundary wall to the front of the property would also be removed. The proposal states that the building would be used as a medical wellbeing service with the centre not offering all of the treatments which are conventionally provided at a dental practice.

3.0 Reasoning

- 3.1 The determining issues in this review were road safety and residential amenity, garden ground and waste management and road safety. The FPRB considered the terms of the Development Plan which comprises the SESplan (2013) ("Strategic Development Plan") and the Adopted FIFEplan (Fife Local Development Plan 2017) ("Adopted Local Development Plan"). The FPRB also considered the provisions of Making Fife's Places Supplementary Guidance (2018) (including Appendices), SPP (2014) and PAN 1/2011 Planning and Noise.
- 3.2 The FPRB assessed the principle of development and noted that the site was located within the settlement boundary but had no specific land use designation. The FPRB considered that the proposed use would be suitable for a general residential area subject to the proposal not having any significant impacts. The FPRB concluded that the proposal to comply with Policy 1 of the Adopted FIFEplan (2017) subject to further detailed considerations.
- 3.3 The FPRB considered the road safety implications of the proposal and noted the objection raised by Transportation Development Management (TDM) and a member of the public. The FPRB noted that TDM considered the proposed use to require 4 off street car parking spaces and that these could not be accommodated within the site. The FPRB however expressed that there was sufficient on-street parking in the surrounding area and areas of communal parking within easy walking distance of the site. The FPRB concluded that the proposed use would not lead to a significant increase in on-street parking which could not be accommodated on-street and that would lead to an impact on traffic flows or hazards for other road users. The FPRB therefore concluded that while 4 off street parking spaces were not available, there was sufficient available on street parking and alternative parking to accommodate a development of this nature and scale. The FPRB concluded that while the off-street parking standards could not be met, the proposal would comply with Policies 1 and 3 of the Adopted FIFEplan as it would not cause any detrimental road safety issues.
- 3.4 The FPRB assessed the residential amenity implications of the proposal. The FPRB noted that the proposal could have a detrimental impact on residential amenity in terms of noise, given that there are residential properties above and adjacent to this property. The FPRB however concluded that as there would be only one treatment room, the impact was likely to be minimal. This conclusion was also on the basis that the facility would not be used as a regular dentist and the FPRB concluded that it was necessary for the processes and procedures outlined within the application supporting information to be secured through condition to protect residential amenity.

The FPRB noted concerns raised around operating times and concluded that the operating times proposed by the applicant were acceptable and would not cause any detrimental impact on residential amenity. Again, the FPRB concluded that it was necessary to restrict the operation to these times. With these conditions, the FPRB concluded that the change of use would have no detrimental impact on residential amenity and was in compliance with Policies 1 and 10 of the Adopted FIFEplan (2017).

3.6 The FPRB concluded that the development would have no significant detrimental impact in terms of the matters addressed by the Report of Handling and the proposal would comply with the Development Plan. The FPRB also considered that the letters of objection and support of the application did not raise any matters which would warrant refusal of the application. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB did not consider there to be any grounds to refuse the application and reversed the decision of the Appointed Officer.

4.0 **Decision**

4.1 The FPRB therefore reverses the decision of the Appointed Officer and approves Planning Permission subject to the following conditions and reasons:

1) The Class 2 office approved through this planning permission, shall only operate between 10am and 7pm weekdays, 10am to 5pm on a Saturday and shall not operate on Sundays unless otherwise agreed in writing with Fife Council as planning authority. For the avoidance of doubt, these are the times to which the office can be open to the public.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

2) Before the Class 2 office is brought into use, a schedule of operation shall be submitted for the written approval of Fife Council as planning authority. This shall relate to the supporting information submitted with the planning application and confirm the following:

- Types of processes and procedures to be undertaken at the facility;
- Restrictions on services which would have significant noise;
- Noise mitigation measures; and
- Number of clients per hour.

The Class 2 office shall be operated in accordance with the details approved through this condition. The Class 2 office shall not be operated for any other use within the Class 2 use class or Class 1 use class of the Town and Country Planning (Scotland) 1997 (as amended) without the written approval of Fife Council as planning authority.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

.....
Proper Officer

Advisory notes

1. The length of the permission: This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. 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))

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.

Notice under the Town and Country Planning (Scotland) Act 1997 as amended by Sections 27A and 27B of the Planning etc. (Scotland) Act 2006

You are required, prior to the development hereby approved commencing on site, to submit written notification to Fife Council as Planning Authority ("this Council") of the intended date of commencement of the development. The development shall not commence until this notification has been acknowledged in writing by this Council. On completion of the development, you are also required to submit written notification to this Council of this as soon as practicably possible. Any submission on this matter should be addressed to Economy, Planning and Employability Services, Kingdom House, Kingdom Avenue, Glenrothes, KY7 5LT.

COALFIELD STANDING ADVICE AREAS

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com