
Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: MFI, 2-3 Pentland Park, Glenrothes, Fife
- Application for review by Sackville UK Property Select III against the decision by an appointed officer of Fife Council
- Application 23/02877/FULL for Full Planning Permission for Change of use of vacant trampolining centre premises (Class 11) to (all Class 1A) restricted comparison non-food retail premises; except for up to 20% net retail floorspace to be used for selected food/non-food retail, of which not more than 100 square metres net retail floorspace shall be for retail sale of food.
- Application Drawings:
- 01 - Location Plan, 02 - Block Plan, 03 - Floor Plan, 04 - Floor Plan Existing, Existing, 05 - Existing Elevations, 06 - Sectional Details, 07 - Floor Plan Proposed, 08 - Floor Plan Proposed, 09 - Proposed Elevations, 10 - Sectional Details, 11 - Supporting Statement, 12 - Planning Statement, 13A – Report.
- No Site Inspection took place.

Date of Decision Notice: 27th June, 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 in Principle was considered by the Fife Planning Review Body (FPRB) at its meeting on 16 June 2025. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Ken Caldwell and Lynn Mowatt.
- 1.3 The FPRB considered the request for new information to be relied upon by the appellant, comprising a Cumulative Quantitative Retail Impact Assessment. They resolved to accept this new information in determining this appeal and agreed that it provided important information required to adequately consider the impact of the appeal proposal.
- 1.4 The FPRB considered the appellant's request that the review be determined by Hearing and elected that there was sufficient information available to proceed by way of written submissions.

2.0 Proposal

- 2.1 Saltire Retail Park is a retail park approximately 1.1 kilometres southwest of Glenrothes town centre by road. This application site relates to Units 2-3 at the retail park, having a gross floor and site area of approximately 1746 square metres. These units are currently vacant but were, until recently, operated as a trampolining centre under planning permission ref.16/03207/FULL prior to that last occupied by the furniture retailer MFI. There are other premises of varying sizes within the retail park, occupied by Poundstretcher, Jolleys, American Golf, Matalan and Homebase, along with vacant former Carpetright premises. Parking for the site is provided as part of the wider shared surface car park for the retail park, with level customer access directly from the car park on the east and west elevations. There is existing service access from within the retail park to the rear of the unit.
- 2.2 The planning history for the retail park is complex, with a variety of permissions affecting different parts. The Report of Handling covers this matter in extensive detail and the FPRB noted the relevant planning history when determining this appeal.
- 2.3 The appeal proposal seeks full planning permission is again sought for change of use of the vacant trampolining centre premises (Class 11) at Units 2-3 to (all Class 1A) restricted comparison non-food retail premises; except for up to 20% net retail floorspace to be used for selected food/non-food retail, of which not more than 100 square metres net retail floorspace would be for retail sale of food; again, to provide for operation by a displaced Poundstretcher and their wider retail offer in the event of The Range taking over their existing premises. Installation of an access ramp was also referred to in the original planning application form and shown in the details accompanying the application, however, the ramp does not form part of the application as it is outwith the application site boundary. Additional information was submitted following the previous refusal of planning permission for a similar proposal.
- 2.4 In addition to re-introducing the permitted restricted durable/non-food retail offer in existence prior to the trampolining centre use having begun, the following relaxation of the retail offer is proposed:

'Up to 20% of the net retail floorspace to be used for the retail sale of food, hobbies and crafts (including stationery), toys, other homeware (in addition to the previously permitted furniture, floor coverings, textiles, electrical goods and home decorating products) and household sundries; out of which 20% net retail floorspace up to 100 square metres to be used for the retail sale of food'.

- 2.5 The appellant also requested a number of conditions on any issued planning permission seeking to secure the retail offer above including restrictions on the types of goods to be sold and the maximum food retail floorspace.

3.0 Reasoning

- 3.1 The FPRB firstly assessed the principle of the development, focusing on the acceptability of the proposed retail use within the Saltire Retail Park. They also assessed the quantum of food retail floorspace and the types of goods to be sold, reviewing the proposal against Policies NPF4 Policy 27 (City, Town, Local and Commercial Centres), NPF4 Policy 28 (Retail) and the adopted FIFEplan Fife Local Development Plan Policies 1 (Development Principles) and 6 (Town Centres).

3.2 The FPRB determined that:

- They agreed with both the appellant and the Appointed Officer that there were currently no suitable, viable or available town/edge of centre sites within Glenrothes Town Centre that could accommodate the appeal proposal. On this basis, the FPRB accepted that, on balance, an equivalent restricted floorspace could be accepted in principle subject to meeting other Development Plan policy tests, including retail impact.
- That the proposal would result in the re-occupation of the vacant site for non-food retail in line with overarching FIFEplan Policy 6 requirements for the Saltire Retail Park Commercial Centre (Figures 6.4A & B), with a modest, restricted, food retail floorspace component.
- They agreed that the principle of a 10% ancillary food retail floorspace provision within this commercial centre was accepted and established by FIFEplan Policy 6 and extant approvals. It was accepted that the remaining 10% food floorspace could be accepted subject to demonstrating an acceptable level of retail impact on the vitality and viability of allocated town centres.
- On this basis, the FPRB accepted the findings of the Cumulative Quantitative Retail Impact Assessment (RIA). They agreed that the vacancy rates within Glenrothes Town Centre were considerably lower than those noted in the original assessment and that the council's Town Centre Development Units did not object/respond to this update position nor question the conclusions of the RIA.
- Turning to the specific conclusions within the RIA, the FPRB accepted that the trade drawn from the proposal and The Range would largely divert from each other and/or other out of town retail operators. They agreed that there would be minimal trade draw from Glenrothes Town Centre. They then considered the estimated turnover from the proposal and The Range, determining that it would result in an almost 'imperceptible' retail impact on Glenrothes Town centre (amounting to approximately -0.3% of the total turnover within Glenrothes Town centre). They therefore agreed that the proposal would not result in any significant detrimental impact to the vitality and vibrancy of Glenrothes Town Centre.
- With respect to controlling any future food retail component, the FPRB noted the 'fallback position' established by condition 1 of the extant planning permission for the leisure use, would have allowed uncontrolled non-food retail use with no specific control over the types of ancillary goods which could be sold or any ancillary food retail floorspace.
- Based on the above, they agreed that the proposal would not result in a competitor to Glenrothes Town Centre, particularly given extremely small food retail floorspace proposed, the restrictions on the types of good to be sold and the largely imperceptible retail impact on the allocated town centre.
- The FPRB therefore accepted the conditions suggested by the appellant, which would specify the types of non-food goods to be sold, restrict ancillary food retail goods and specify the quantum floorspace (of 100m²). They agreed that they would provide sufficient control to the planning authority and that any future retail use which would provide sufficient control beyond the less restrictive 'fallback' operation.
- Overall, the FPRB therefore concluded that the principle of development was acceptable and, on balance, complied with the land use principles within the Development Plan, subject to the condition(s) above; varying the Appointed Officer's reasons for refusal relating to this matter.

- 3.3 The FPRB then assessed the transportation, accessibility and sustainability considerations of the reasons for refusal, giving regard to NPF4 Policies 13 (Sustainable Transport) and FIFEplan (2017) Policies 1 (Development Principles) and 3 Infrastructure and Services) as well as Making Fife's Places Supplementary Guidance (2018).
- 3.4 The FPRB found that:
- The existing parking provision would be acceptable in accommodating parking demand.
 - The FPRB agreed with the appellant that the proposal would not result in a significant travel generating use given its previous leisure use and 'fallback' operation. They also noted the findings of the appellant's modelling and accepted that the proposal would result in similar vehicular trips to both uses.
 - They noted the request from Transportation Development Management (TDM) for the appellant to consider electric vehicle charging points but did not deem them necessary nor appropriate in mitigating demand from the proposal, particularly given that any works would be beyond the red line boundary of the application site.
 - They considered the proposal against all relevant NPF4 Policy 13 requirements, in particular part b). They agreed that the proposal should be supported in transportation terms given that the site is suitably connected to sustainable transport options that provide direct, easy, segregated and safe links to local facilities via walking wheeling and cycling routes. The FPRB agreed that there would be a suitable level of accessibility, particularly given the nearby bus stop (within 100m of the site) and footpath connectivity to/from Glenrothes town centre and the local cycle network.
 - The FPRB agreed with the appellant that the Development Plan policy framework does not require the proposal to demonstrate comparable accessibility to Glenrothes Town Centre. Rather, complying with Part b) of NPF4 Policy 13 would demonstrate an acceptable level of accessibility for the proposal in this instance.
 - As such, they agreed with Transportation Development Management (TDM) that there were no transportation matters to base refusal of the application.
- 3.5 Overall, with respect to transportation, the FPRB agreed with the appellant that the proposal should not result in a significant travel generating use and that, generally, the site would be accessible to a range of sustainable travel choices and accessible to non-car based travel, according with NPF4 Policy 13 of NPF4 and Policy 3 of FIFEplan.
- 3.6 Overall, the FPRB determined that the principle of development for non-food retail use with a restricted food retail element complied, on balance, with the wider policy framework for this area and acceptable when assessed against the Development Plan. The FPRB acknowledged the material considerations outlined by the appellant. They also noted that there were no other matters or other material considerations which would outweigh support for the proposal and a decision being made in accordance with the Development Plan. The FPRB therefore decided that planning permission in principle should be granted, subject to the recommended conditions that would restrict the types of good to be sold and the food retail floorspace; reversing 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. This site shall not be used for purposes other than: the sale of food; the sale of non-food goods within the range of furniture, floor coverings, textiles, electrical goods, DIY, hardware, gardening goods, hobbies and crafts (including stationery), leisure and camping goods, toys, automotive and cycling accessories, home decorating products, other homeware, household sundries, pet goods, live pets, pet cages, aquariums, bulk pet food items; and for other ancillary veterinary and pet grooming services; and shall not be used for any other purpose including those set out in Class 1A of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or any statutory instrument revoking, amending or re-enacting that Order with or without modification.

Reason: In the interests of ensuring the proposals are acceptable in terms of the provisions of policy and guidance relating to the principle of development.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or any statutory instrument revoking, amending or re-enacting that Order with or without modification, the amount of net retail floorspace of this building used for the retail sale of food, hobbies and crafts (including stationery), toys, other homeware (excluding furniture, floor coverings, textiles, electrical goods and home decorating products as defined above), and household sundries, all as understood in terms Condition 2 above, shall not exceed 20%.

Reason: In the interests of ensuring the proposals are acceptable in terms of the provisions of policy and guidance relating to the principle of development.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or any statutory instrument revoking, amending or re-enacting that Order with or without modification, and also notwithstanding the provisions of this condition, the amount of net retail floorspace of this building used for the retail sale of food shall not exceed 100 square metres.

Reason: In the interests of ensuring the proposals are acceptable in terms of the provisions of policy and guidance relating to the principle of development.

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Proper Officer

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)).
2. 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.