



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 **GRANTS PLANNING PERMISSION** for the particulars specified below

Application No: 23/01596/FULL
Proposal: Change of use from retail unit (Class 1A) to hot food takeaway (Sui Generis) and installation of extraction flue
Address: 27 - 29 Pentland Place Kirkcaldy Fife KY2 6AG

You are legally required to fully comply with all the particulars as set out in the terms of this decision notice. The plans and any other submissions which form part of this Decision notice are as shown as 'Approved' for application reference 23/01596/FULL on Fife Council's Planning Applications Online.

CONDITIONS

1. The development to which this permission relates must be commenced no later than 3 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 by Section 32 of The Planning (Scotland) Act 2019.

2. BEFORE ANY EXTERNAL FINISHES APPLIED TO THE HOT FOOD TAKEAWAY (SUI GENERIS) HEREBY APPROVED, details of their respective colour shall be submitted for approval in writing by this Planning Authority. Thereafter, the approved details shall be implemented in full and retained/ maintained for the lifetime of the development.

Reason: In the interests of visual amenity, to ensure the development makes a positive contribution to the existing streetscape.

REASON(S) FOR MAKING THIS DECISION

The reason(s) why the Council made this decision are: -

The proposal is considered acceptable in meeting the terms of the Development Plan and relevant supplementary guidance. The proposed change of use is compatible with its surroundings; and, in the context of the appearance of the existing building within the streetscape, whilst limited external alterations are proposed the sustainable re-use of the existing vacant building would undoubtedly have a positive impact visual impact on the existing building and that on the row of existing commercial units. The proposed development would also not have any significant detrimental impacts on residential amenity and road safety.

PLANS

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

Dated: 6th October 2023

Derek Simpson

For Head of Planning Services

Reference	Plan Description
01	Location Plan
02	Site Plan
03	Floor Plan Existing
04	Existing Elevations
05	Floor Plan Proposed
06	Proposed Elevations
07	Planning Statement
08	Ventilation/extraction details

Dated:6th October 2023

Derek Simpson

For Head of Planning Services

IMPORTANT NOTES ABOUT THIS DECISION

IT IS YOUR RESPONSIBILITY TO ENSURE THAT ALL WORKS AUTHORISED BY THIS DECISION ARE CARRIED OUT STRICTLY IN ACCORDANCE WITH ALL OF THE CONDITIONS AND SPECIFICATIONS OF THE DECISION NOTICE, INCLUDING THESE NOTES.

COMMENCEMENT/COMPLETION OF DEVELOPMENT

Prior to the development hereby approved commencing on site, you are required to submit written notification to Fife Council as Planning Authority of the intended date of commencement of the development. You can do this by completing an online form here - <https://www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/planning-applications/get-in-touch-with-planning-team>, which for the avoidance of doubt shall not commence until this notification has been agreed 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.

COALFIELD STANDING ADVICE - DEVELOPMENT LOW RISK AREA

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.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

LOCAL REVIEW

If you are not satisfied with the condition(s) imposed 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.fife.gov.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.

ENFORCEMENT

Failure to carry out development in accordance with the approved details or to comply with any conditions on this decision notice may result in enforcement action being taken.

USEFUL GUIDANCE

BUILDING WARRANT

This permission does not exempt you from obtaining a Building Warrant under the Building (Scotland) Acts. For further information, please see our Building Standards and Public Safety web pages at www.fife.gov.uk/kb/docs/articles/planning-and-building2/building-standards-and-public-safety

FIFE COUNCIL LAND, ROADS AND FOOTPATHS

The consent of Fife Council as the landowner may be required where development is on Council owned land, or where access is required over adopted roads and/or footpaths.

AVOIDING DANGER FROM UNDERGROUND SERVICES

Freephone Dial-Before-You-Dig, Susiephone No. 08000 231 251 or email dialbeforeyoudig@susiephone.co.uk . If you require any more information about Susiephone then please contact Susiephone Ltd, PO Box 12891, Loanhead, EH20 9WU.

ADVICE FROM SGN

There are a number of risks created by built over gas mains and services; these are:

- Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone 0800 912 1722 / Email: plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be

temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>
- Further information can also be found here <https://www.sgn.co.uk/help-and-advice/digging-safely>

ROADS CONSTRUCTION CONSENT

This permission does not exempt you from obtaining a Roads Construction Consent under the Roads Scotland Act 1984. For further information please contact: Fife Council, Transportation and Environmental Services

ADVICE FROM SCOTTISH WATER

The issue of a Building Warrant or Planning Permission does not cover aspects of the works for which separate approval is required from Scottish Water (SW). As Fife Council notifies SW of **all** applications which are approved, applicants should be aware that inspection of work which is not approved in advance by SW is often inconvenient and may result in the applicant incurring additional expense to remedy work undertaken incorrectly.

**Please
contact:**

Scottish Water
6 Castle Drive
Dunfermline, Fife
KY11 8GG

Tel: 0845 601 8855

Email: customer.service@scottishwater.co.uk