

North East Planning Committee

Due to Scottish Government Guidance relating to COVID-19, this meeting will be held remotely.



Wednesday, 9th March, 2022 - 1.30 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 North East Planning Committee of 9th February, 2022. 3 – 4
4. **21/01491/FULL - 150 NORTH STREET, ST ANDREWS** 5 – 13
Change of use from private garden to outdoor seating area, including siting of coffee kiosk and installation of replacement gate.
5. **21/03865/FULLL - 6 & 10-12 STATION ROAD, ST MONANS, ANSTRUTHER** 14 – 22
Change of use of part of retail (Class 1) to cafe/wine bar (Class 3) (Retrospective).
6. **APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS**
List of applications dealt with under delegated powers for the period 24th January to 20th February, 2022.
Note - these lists are available to view with the committee papers on the Fife.gov.uk website.

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.

Lindsay Thomson
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Finance and Corporate Services

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2nd March, 2022

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THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING

9th February, 2022

1.30 p.m. - 2.40 p.m.

PRESENT: Councillors Donald Lothian (Convener), Tim Brett, John Docherty, Andy Heer, Linda Holt, Jane Ann Liston, David MacDiarmid, Karen Marjoram, Tony Miklinski, Bill Porteous, Jonny Tepp, Brian Thomson and Ann Verner.

ATTENDING: Chris Smith, Lead Officer – Development Management Team, Economy, Planning & Employability Services; Steven Paterson, Solicitor and Diane Barnett, Committee Officer, Legal & Democratic Services.

APOLOGIES FOR ABSENCE: Councillor Bill Connor and Margaret Kennedy.

334. DECLARATIONS OF INTEREST

Councillor Verner declared an interest in Para. 336 - '20/02818/FULL - the Poffle, Sunnyside, Strathkinness' - as she had a non-financial, family and work connection with the applicant; and Para. 337 - '21/01492/FULL - 150 North Street, St Andrews', - as she had a non-financial family connection with the applicant.

335. MINUTE

The Committee considered the minute of the North East Planning Committee of 12th January, 2022.

Decision

The Committee agreed to approve the minute.

Prior to consideration of the following two items, Councillor Verner, having declared an interest, left the meeting at this point.

336. 20/02818/FULL - THE POFFLE, SUNNYSIDE, STRATHKINNESS

The Committee considered a report by the Head of Planning relating to an application for the erection of a dwellinghouse with associated access and parking.

Motion

Councillor Liston, seconded by Councillor Holt, moved to refuse the application on the grounds that the proposed development did not comply with Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018), Transportation Development Guidelines due to a detrimental impact on road safety from the intensification of use of the bellmouth and access route to the existing dwellings.

Amendment/

Amendment

Councillor Thomson, seconded by Councillor Miklinski, moved as an amendment to approve the application subject to the 7 conditions and for the reasons detailed in the report.

Roll Call Vote

For the Motion - 5 votes

Councillors Heer, Holt, Liston, MacDiarmid and Tepp.

For the Amendment - 7 votes

Councillors Brett, Docherty, Lothian, Marjoram, Miklinski, Porteous and Thomson.

Having received a majority of votes, the amendment to approve the application was carried.

Decision

The Committee agreed to approve the application, subject to the 7 conditions and for the reasons detailed in the report.

337. 21/01491/FULL - 150 NORTH STREET, ST ANDREWS

The Committee, on considering a report by the Head of Planning relating to an application for the change of use from private garden to outdoor seating area, including siting of a coffee kiosk and installation of a replacement gate, was advised by the Planning Lead Officer of several amendments to the original report.

Decision

Given the update provided, the Committee agreed to continue consideration of the application to a future meeting to allow Officers to properly reassess the application against the relevant FIFEplan policies relating to 'edge of town centre' development.

338. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS

Decision

The Committee noted the lists of applications dealt with under delegated powers for the period 27th December, 2021 to 23rd January, 2022.

ITEM NO: 4

APPLICATION FOR FULL PLANNING PERMISSION REF: 21/01491/FULL

SITE ADDRESS: 150 NORTH STREET ST ANDREWS FIFE

PROPOSAL: CHANGE OF USE FROM PRIVATE GARDEN TO OUTDOOR SEATING AREA INCLUDING SITING OF COFFEE KIOSK AND INSTALLATION OF REPLACEMENT GATE

**APPLICANT: KINNETTLES HOTEL
127 NORTH STREET ST. ANDREWS SCOTLAND**

**WARD NO: W5R18
St. Andrews**

CASE OFFICER: Scott McInroy

DATE REGISTERED: 23/07/2021

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 objections contrary to officers' recommendation

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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 The application site relates to an area of land that currently forms the garden space associated to 150 North Street, St Andrews which sits on the opposite side of the road from the application site. The corner site itself is located adjacent to the town centre boundary, within the conservation area and settlement boundary for St Andrews, as defined in the Adopted FIFEplan (2017). The site is bound by a stone wall to the north, south and west, while to the east it is bound by a timber fence on top of a stone dyke. Pedestrian access to the site is taken via Greyfriars Garden.

1.2 Planning permission is sought for change of use from private garden to outdoor seating area including siting of a coffee kiosk and installation of replacement gate. The application proposes to remove the existing timber fence on top of the stone wall that fronts onto Greyfriars Garden and replace the existing timber gate with a black metal gate. The proposed gate would consist of 9 lower rails and four upper rails, with the upper rails having a square base with a round railhead. The proposal would also include the siting of 3 timber benches for seating and the siting of a small lightweight converted former horsebox which would serve coffees and snacks to guests of the hotel as well as non-residents.

1.3 Planning history on this site is as follow;

- 06/03390/EFULL - Change of use of dwelling to HMO (8 persons) (including replacement window/reinstatement of door) - approved 09/02/2007.

-19/00801/FULL - Change of use from 7 person HMO to hotel annexe (Class 7) and alterations to door - approved 07/06/2019.

-19/00802/LBC - Listed building consent for alterations to door and internal alterations to HMO to form hotel annexe - approved 07/06/2019.

1.4 Application Process

1.4.1 The application, due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice. A parallel listed building application submitted along with this planning application was submitted by the applicant for the erection of the gate, having reviewed the context of the listed status of the walls, listed building consent is not required as the walls are not within the same curtilage as the main listed property as they are on the opposite side of Greyfriars Garden.

1.4.2 With regards to visiting the site, the original planning officer did visit the site and this followed up by the current case officer in September 2021. Prior to this committee meeting the committee lead also conducted a site visit on 1st March 2022.

2.0 PLANNING ASSESSMENT

2.1 The determination of this application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The issues to be assessed against the development plan and other guidance are as follows: -

- Principle of Development
- Residential Amenity

- Design/Visual Impact on the Conservation Area/Impact on Setting of Listed Buildings
- Road Safety

2.2 Principle of development

2.2.1 Scottish Planning Policy (2014) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act.

2.2.2 Policy 1, Part A, of the Adopted FIFEplan stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. Policy 1, Part B, of FIFEplan requires development to protect the amenity of the local community and businesses whilst also safeguarding the characteristics of the historic and built environment.

2.2.3 In this instance, the application is for the change of use from private garden to outdoor seating area including siting of coffee kiosk (*sui generis*). Concerns have been raised regarding the principle of the proposed use in this location. The application site itself is now associated with a hotel rather than a residential premise as the building at 150 North Street itself is now in use as a Hotel Annexe through the implementation of application 19/00801/FULL. Therefore, although the area is still classed as garden ground it can be used by hotel patrons rather than private residents. The application site sits adjacent to but not within the defined core retail area of the St Andrews town centre and within the St Andrews conservation area. The surrounding area is made up of a mixture of land uses with private garden areas to the south of the site along Greyfriars Garden (west side), while on the opposite side of this road (east side) is the hotel annex and there are a mix of uses predominantly residential with some ground floor commercial premises (retail units and hairdressers) further along Greyfriars Garden heading southwards. To the west are residential properties and a commercial premises; to the north-west/north/north-east the main hotel building (Kinnettles Hotel linked to this application) as well as a public house and public car park as well as some residential units and some cafes. The proposed change of use from garden ground to outdoor seating area including siting of coffee kiosk is considered a compatible small-scale land use within the context of the surrounding mix of commercial and residential land uses which already successfully co-exist as appropriate uses in this central location.

2.2.4 Concerns have been raised regarding potential future uses on site or future uses on neighbouring land, however these concerns are not a material planning consideration with regards this application as each site must be determined on its own merits and future uses on applicable land use can not be prejudged.

2.2.5 Comments on previous planning decisions and comments from planning officers are noted, however applications are again assessed on their own merits and with regards to the latest planning policy at the date of assessment.

2.2.6 It is therefore considered that in principle in this instance the proposal complies with the provisions of the Adopted FIFEplan (2017) Policy 1, Part A (1a) and Policy 1 Part B criterion 6 and 10.

2.3 Residential Amenity

2.3.1 PAN 1/2011 establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development.

2.3.2 With respect to the protection of residential amenity, Policy 10 of the Adopted FIFEplan (2017) supports development proposals where they will not lead to a significant detrimental impact on the impacts on the operation of existing or proposed businesses and commercial operations.

2.3.3 Concerns have been raised regarding noise impact from the proposed application. The application site is located adjacent to the core retail area of the defined St Andrews town centre boundary and is surrounded by a mixture of uses (hotel, bar, shops, hairdressers, residential flats, garden areas and public car park). Due to the nature of the uses in this area of St Andrews there is a high pedestrian footfall and car usage on the surrounding streets (North Street, Greyfriars Garden). The nearest residential properties sit to the rear of the application site and on the opposite side of Greyfriars Garden. The applicant advises that the opening hours of the site would be 8am to 8pm April to October and 9am to 4pm November to March. A proposed condition has been added limiting the operating hours to those specified. Given that the application area is located adjacent to the core retail area of St Andrews and has premises nearby (Greyfriars Inn and restaurants) that have night-time opening hours the proposed opening hours of the site is considered acceptable and would not create any significant impact on the amenity of the surrounding residential properties or existing businesses. Concerns have been raised regarding potential littering which could result in an increase in unwanted wildlife/vermin. It is considered that given the small-scale nature of this proposal and given the surrounding area has a mix of commercial and residential uses that the proposal would not create a significant impact on the surrounding area in terms of littering. There are also a number of waste bins located in this area for use by the public. Fife Council's Public and Environmental Protection Team (PEPT) has assessed the proposal and have raised no concerns over this proposed development in terms of potential amenity impacts (including noise and odour) nor have they raised any issues regarding waste disposal.

2.3.4 In this instance, it is considered that the proposed change of use does comply with Policy 10 criterion 3 in that the development would not have a significant detrimental impact on the above residential properties or impacts on the operation of existing or proposed businesses and commercial operations, so therefore complies with the adopted FIFEplan (2017). Overall, this would be a small-scale development with limited outdoor seating/gathering capacity and limited operating hours in an area already operating with a mix of commercial and residential uses that already successfully co-exist with one another. The site is also considered to be located within an already reasonably busy part of St Andrews with busy footfall, traffic movements and a popular night time economy all in close proximity to the site itself.

2.4 Design/Visual Impact on the Conservation Area/Impact on Setting of Listed Buildings

2.4.1 SPP (2014), Historic Environment Scotland's Historic Environment Policy for Scotland (2019), Adopted FIFEplan (2017) Policies 1, 10 and 14, and Making Fife's Places Supplementary Guidance (2018), the St Andrews Conservation Area Appraisal and Management Plan (2010) and St Andrews Design Guidelines (2011) apply with regard to the design and visual impact of the proposal. Again, under Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the Planning Authority should have special

regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

2.4.2 Policies 1 and 10 of FIFEplan (2017) aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area. Policy 14 (Built and Historic Environment) advises that proposals should safeguard the characteristics of the historic environment, proposals should not lead to a significant visual detrimental impact on their surrounds. Policy 14 also advises that development, which protects or enhances buildings or other built heritage of special architectural or historic interest, will be supported.

2.4.3 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.

2.4.4 Fife Council's St Andrews Conservation Area Appraisal and Management Plan (2010) provides a detailed conservation review of the town's Conservation Area boundaries. Further to this, it also aims to highlight the key townscape, architecture and historic issues considered to be important to the character of the town as a whole. The document also identifies important conservation issues and provides a framework for the conservation area's future management.

2.4.5 St Andrews Design Guidelines (2011) sets out a number of principles to ensure appropriate design and materials are incorporated into new development. The guidance advises that buildings should respect the historic townscape but ensure the continued economic vibrancy of the town centre and embrace the opportunities for high quality design solutions, including contemporary design where appropriate. Key principles related to the proposed development include:

- Guideline 17 - Protect Open space in the town centre from development.
- Guideline 18 - Encourage the management of visible open space and encourage arrangements for the public to have access where appropriate.

2.4.6 The application site is accessed from Greyfriars Garden within the St Andrews Conservation Area and is the garden area associated with the Category B listed building on the opposite side at 150 North Street. Members should note however that the garden itself and its walls are not included in that listing. The application proposes to remove the existing timber fence on top of the stone wall that fronts onto Greyfriars Garden and replace the existing timber gate with a black metal gate. The proposed gate would consist of 9 lower rails and four upper rails, with the upper rails having a square base with a round railhead. Concerns have been raised regarding the removal of the existing wooden fence. The existing modern fence is not considered to provide any architectural merit to the setting of the Listed Building or the Conservation Area, while the reinstatement of the metal gate is of an appropriate sympathetic design, colour, materials and quality. Built Heritage colleagues have been consulted and are supportive of this proposal.

2.4.7 Concerns have been raised regarding the impact of the proposed features on site. Within the application the existing landscaped gardens are to be retained while 3 timber benches are proposed across the site with a small lightweight converted horsebox will be placed on site to serve coffees and snacks to guests of the hotel and non-residents. The benches and horsebox will be temporary in nature in and can be moved from the site without impacting on the site itself.

The converted horsebox will be lifted onto the site by crane to create minimal impact on the setting of the site. No works are proposed on any trees on site. Given the small-scale temporary/mobile nature of the benches and kiosk proposed on site, it is considered that these structures would not significantly affect the setting of the adjacent listed buildings or the character of the conservation area given their small size and set back from the public road/footway.

2.4.8 Concerns have been raised regarding the proposal not complying with the St Andrews Design Guidelines, in particular guideline 17 and 18 and the St Andrews Conservation Area Appraisal & Management Plan for this area. The site itself is privately owned screened garden ground which would if approved become open to the public as set out in paragraph 2.3.3. With regards guideline 17, although development would take place and is compliant with the adopted FIFEplan, the proposed structures are moreover temporary and mobile in nature and of a small scale. The landscaped garden area would be retained, and no trees would be removed therefore it is considered that the proposal would not have a significant impact on the setting of this area.

2.4.9 Concerns have been raised about potential advertisement signage as part of this proposal and its impact on the conservation area. Advertisement signage is not part of this application; however, any potential future signage may require advertisement consent.

2.4.10 In assessing this proposal the Council's Built Heritage officers were consulted and had no objections to the physical works proposed. Officers made no comment nor offered any observations with regards to the mobile coffee kiosk element.

2.4.11 In conclusion, the proposal is considered to be acceptable at this location and would not have an adverse impact on the setting of the neighbouring Category B listed buildings, nor the St Andrews Conservation Area.

2.5 Road Safety

2.5.1 Adopted FIFEplan (2017) Policy 3 and Making Fife's Places - Transportation Development Management Guidelines (2015) apply in this instance.

2.5.2 Concerns have been raised regarding potential impact on people queuing to get into the premises on other pedestrian users of the footpath outside this application site, however, this is not a material consideration with regards this application as the planning authority cannot regulate nor control how people act. Fife Council's Transportation Development Management (TDM) team have been consulted and have advised that they have no objections as the proposed use as it is unlikely that the proposal will generate any additional vehicular traffic.

2.5.3 Concerns raised regarding pedestrian safety for hotel guests (given it is located across the road and away from the signal crossing) and for non-patrons was discussed with the Council's TDM officers and they have raised no pedestrian or road safety issues in that regard and the public will elect to use the most appropriate and safest option available at that time of crossing.

2.5.4 The proposal would, therefore, have no further significant detrimental impact in terms of road safety and would comply with the Development Plan in this respect.

CONSULTATIONS

Transportation, Planning Services	No objections
Archaeology Team, Planning Services	No objections
Environmental Health (Public Protection)	No objections

REPRESENTATIONS

22 letters of objection have been received in relation to this application. The material considerations relating to these concerns have been addressed under sections 2.2 (Principle of Development), 2.3 (Residential Amenity) and 2.4 (Design/Visual Impact on the Conservation Area/Impact on Setting of Listed Buildings) of this report of handling.

CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of the Development Plan, relevant National Guidance and relevant Fife Council Customer Guidelines. The proposal is compatible with the area in terms of land use, has been designed, scaled and finished in such a way to respect the architectural and built heritage character of the area. Further to this it would not undermine the need to protect the local amenity nor would it cause any road safety issues and ultimately it has been designed and scaled to respect the setting of the built heritage assets locally and is therefore considered to be acceptable.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. The hours of operation of the development hereby approved shall be restricted to between be 8am to 8pm April to October and 9am to 4pm November to March.

For the avoidance of doubt the agreed operating hours shall be complied with in perpetuity unless otherwise agreed in writing with this Planning Authority prior to agreed changes being made.

Reason: In order to protect the amenity of adjoining and nearby residents.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Policy and Guidance
Scottish Planning Policy (2014)
Historic Environment Scotland's Historic Environment Policy for Scotland (2019)

Development Plan
Adopted FIFEplan - Fife Local Development Plan (2017)
Making Fife's Places Supplementary Guidance (2018)

Other Guidance

Fife Council St Andrews Conservation Area Appraisal and Management Plan (2010)

Fife Council St Andrews Design Guidelines (2011)

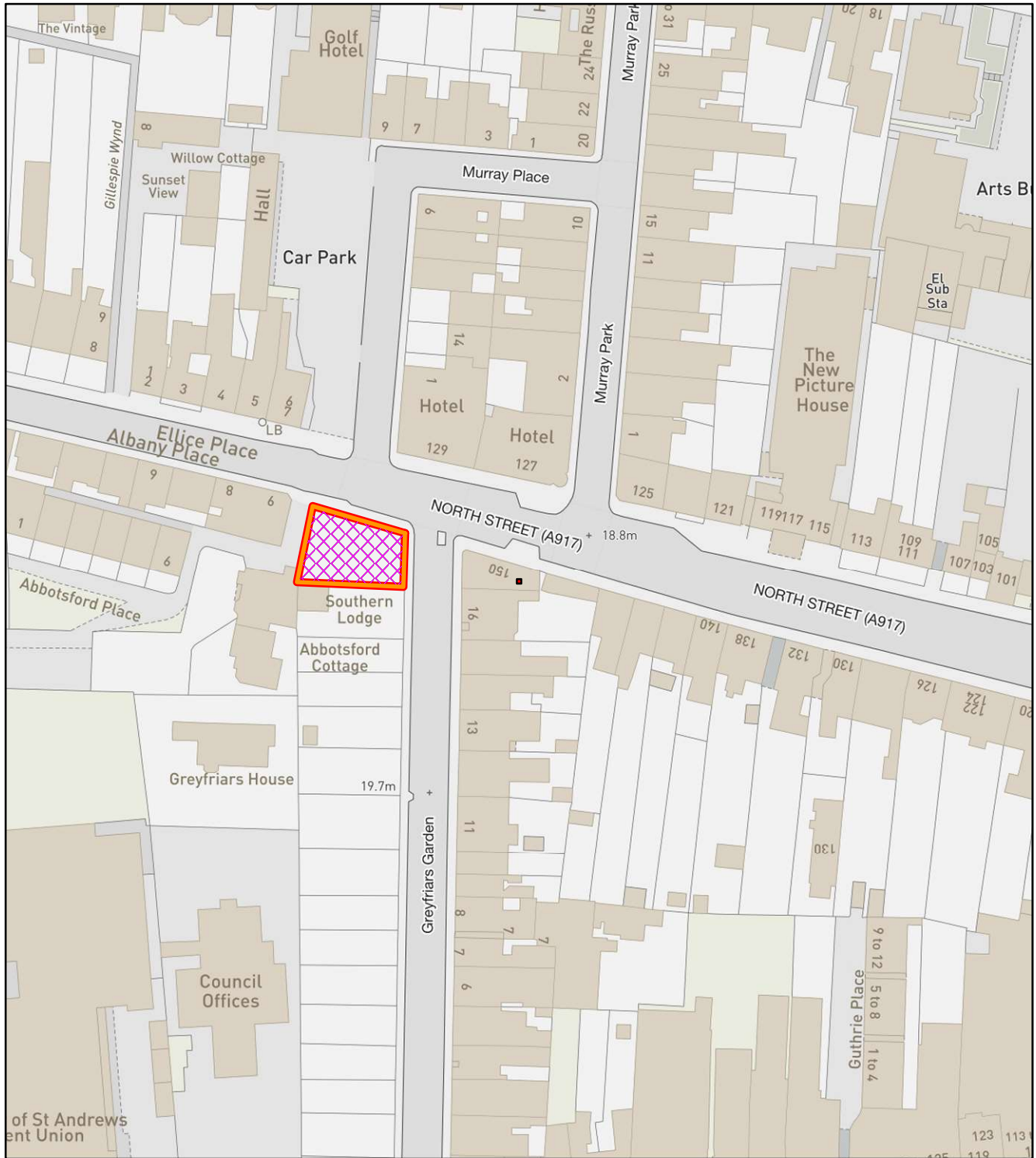
Report prepared by Scott McInroy, Planner Development Management

Report reviewed by Chris Smith (Lead Officer, Planner) and Committee Lead 14/02/2022

Date Printed 11/02/2022

21/01491/FULL

150 North Street St Andrews



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Legend			
	Application Boundary		

ITEM NO: 5

APPLICATION FOR FULL PLANNING PERMISSION REF: 21/03865/FULL

SITE ADDRESS: 6 & 10-12 STATION ROAD ST MONANS ANSTRUTHER

PROPOSAL : CHANGE OF USE OF PART OF RETAIL (CLASS 1) TO CAFE/WINE BAR (CLASS 3) (RETROSPECTIVE) AND EXTERIOR ALTERATIONS.

**APPLICANT: BINO VENTURES LTD
WATERSIDE COTTAGE WEST END ST MONANS**

**WARD NO: W5R19
East Neuk And Landward**

CASE OFFICER: Scott McInroy

DATE REGISTERED: 22/12/2021

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

6 or more objections have been received contrary to the officer recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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 Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses; whilst Section 64(1) advises

that in determining applications the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

1.1 The application site relates to the ground floor of a three-storey terrace property located on Station Road, St Monans. The building is located within the settlement boundary and Conservation Area for St Monans, as defined in the Adopted FIFEplan (2017). The surrounding area is predominately two/three storey properties with the application site (No's 10-12) having a commercial use at ground floor and there is separate from the application site Class 1 uses at first and second floors (also owned by the applicants). In terms of ownership/uses of No.6 Station Road, the applicant owns the ground floor level with a separate residential use above being in separate ownership. The rest of the surrounding area is predominately residential in nature. Access to the site is taken via Station Road. No's 6 & 8 Station Road are a statutory 'C' Listed building whilst No's 10 & 12 are not.

1.2 Planning permission is sought for the change of use of part of the retail (Class 1) unit at No's 10-12 to a cafe/wine bar (Class 3). As works have commenced that application is therefore considered to be retrospective. External alterations proposed include the external walls being changed in colour from light grey-brown to jasmine white and the timber doors being changed in colour from dark blue to blue already have the benefit of planning and listed building consent (see paragraph 1.3 below). The window glass is also proposed to have the same logo as 10-12 Station Road. No. 6 Station Road has operated as a Class 3 (Food and Drink) land use for many years by virtue of planning permission 00/01025/FULL. No's 10-12 Station Road operated as a Class 1 (shop) with an ancillary cafe and in October 2016, the previous owner of both units also obtained Listed Building Consent to form an opening internally between No.6 and No's 10-12 (Ref. 16/02610/LBC). Once consent was obtained, the two ground floor premises were combined and thereafter the single ground floor unit operated as a cafe known as The Diving Gannet for nearly 5 years before closing in September 2021. Through this application the applicant seeks in retrospect for a part change of use of No's 10-12 Station Road from Class 1 to Class 3.

1.3 The recent planning history to this site includes the following applications:

00/01025/EFULL - Planning permission to change use of shop (Class 1) to cafe (Class 3) as part of community project at No.6 - approved 12/06/2000

03/03123/EFULL - Change use of flat from homeless accommodation to office space and community resource at No.8 - approved on 20/11/2003.

16/02609/FULL - Repainting exterior of building - 6, 10-12 Station Road St Monans - approved on 29/09/2016.

16/02610/LBC - Listed Building Consent for internal alterations and repainting of exterior - approved on 02/12/2016.

1.4 A physical site visit has not been undertaken however, detailed photographic information has been submitted along with all necessary information collated digitally to allow the full consideration and assessment of the application. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

1.5 Application Process

1.5.1 The application, due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

2.0 PLANNING ASSESSMENT

2.1 The determination of this application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The issues to be assessed against the development plan and other guidance are as follows: -

- Principle of Development
- Residential Amenity
- Visual Amenity/Impact on Conservation Area and Listed Buildings
- Road Safety

2.2 Principle of development

2.2.1 The national context for new development is set out within the Scottish Planning Policy (2014). This document emphasises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place.

2.2.2 Policy 1, Part A, of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and 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 As the proposal lies within the settlement boundary for St Monans, as defined in the Adopted FIFEplan (2017) it is considered that the principle of the proposed change of use from part retail (Class 1) to café/wine bar (Class 3) would be acceptable. In land use terms, it is considered that the change of use would not cause any additional nuisance to residential properties in the vicinity and would not alter the character of the surrounding area given the variety of surrounding land uses already in existence. Therefore, it is considered that the proposed development is suitable for its location and is thus 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.

2.2.4 Concerns have been raised regarding the principle of the proposed use within a conservation area. In this instance, the conservation area of St Monans like many others in Fife has many differing existing land uses within in it ranging from residential, guest houses, restaurants, shops etc. and they all successfully co-exist with one another to strengthen and enhance the viability and vitality of St Monans and therefore it is considered that this small-scale proposed Class 3 use next to an existing Class 3 use would be acceptable in land use terms and would be compatible with the surrounding area.

2.2.5 It is therefore considered that the proposal complies with Policy 1, Part A criterion 1,b and Policy 6 of the Adopted FIFEplan.

2.3 Residential Amenity

2.3.1 PAN 1/2011 establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development.

2.3.2 With respect to the protection of residential amenity, Policy 10 of the Adopted FIFEplan (2017) supports development proposals where they will not lead to a significant detrimental impact on the amenity of existing or proposed land uses. Policy 10 advises that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to amongst others - air quality; contamination; pollution such as noise/light/odour; loss of privacy/sunlight/daylight; visual impact of the surrounding area; and impacts on the operation of existing or proposed businesses and commercial operations.

2.3.3 In this instance the application property is located on the ground floor of a 3-storey terraced property. The first and second floors above the application site are in Class 1 (Shops) use. The surrounding buildings are predominately residential in nature. Concerns have been raised regarding odours from the premises. The proposed premises would serve hot/cold drinks and a selection of sandwiches, soups and baked goods, etc. No cooking (i.e. frying) would be undertaken from the site. There are no internal or external alterations (other than colour changes to exterior) to the building proposed, with the current extractor in the kitchen area remaining unchanged. Due to this, no external flues are proposed with food odours being dealt with through a mechanical extraction fan located solely within the kitchen area, therefore it would not affect the residential properties above or the adjoining commercial properties. An appropriate proposed condition has been added to restrict the types of foods that could be processed/heated on the premises given the proposed extraction system. Fife Council's Public and Environmental Protection Team (PEPT) has assessed the proposal and have no objections to this proposal subject to the above condition being added.

2.3.4 Concerns have been raised regarding potential noise during the proposed opening times and also concerns have been raised regarding potential later opening times that have been submitted to the Licencing board for separate approval. The hours of operation submitted as part of this planning application are intimated to be 9am to 4pm every day with the exception of Thursdays, Fridays and Saturdays when it is proposed to close at the later time of 11pm. In this instance the operating hours proposed (including the weekend 11pm operating times) are all considered acceptable for a small-scale enterprise with limited products on offer; limited kitchen equipment/ventilation facilities and they are also considered typical of a lot of Class 3 uses locally. Although potential later opening times have been submitted to the Licensing Board, it is considered that the opening times proposed through this planning application are more appropriate and typical and would allow the business to operate normally and at the same time demonstrate over time its operational capabilities are appropriate for a residential area. A proposed condition has been added limiting the opening times to these hours applied for as part of the planning application in order to protect the residential amenity of the surrounding area.

2.3.5 Concerns have been raised by the public regarding noise from potential future uses including live music on site and outdoor drinking facilities. It has been claimed that noise levels are already excessive within the area due to people congregating in the street. These concerns are noted; however, in musical terms the applicants have advised that the majority of times only low level background music would be played. The applicant's agent has advised that some limited live music (i.e. likely playing of acoustic guitar) may be played periodically but it would be limited and is included in the separate licence application. Fife Councils Environmental Health Public

Protection Team have been consulted and have confirmed that they have not received any complaints to date regarding background music from this premises. Officers have also advised that the playing of low-level background music would be acceptable and is unlikely to result in noise related complaints as is the playing of acoustic guitar as a live session. Officers have however advised that should this planning application be successful, if after completion of the development, complaints of nuisance are received by the Environmental Health (Public Protection) Team, the team are duty bound to investigate. If nuisance is established, then works / further works may be required to abate the nuisance. With regards to potential live music on site, this will be assessed through the licencing application.

2.3.6 In terms of concerns raised regarding potential external noise and antisocial behaviour issues, these concerns are noted but are less likely to be issues associated with a café/wine bar use of the very limited size as proposed. Operational noise and other amenity issues have been considered, assessed and commented on by appropriate in-house specialists as outlined above and no significant issues are anticipated. In terms of potential external amenity issues, again these are not issues normally associated with such use classes especially where they are small scale proposals. Should any complaints be made then they would be appropriately investigated by the relevant Council officer's and Environmental Health Public Protection team. In such instances though it may be that Public Protection officers would have more appropriate and more direct powers to investigate and deal with where necessary, any statutory amenity nuisance issues within their remit under their own legislative processes. Any littering would be dealt with separately from the planning system as would issues regarding alleged criminal damage/anti-social behaviour which fall within the more appropriate remit of Police Scotland. Subsequently these amenity matters are not covered under the planning system given more appropriate authorities are available to investigate and deal with. Ultimately though, the planning system and any subsequent approvals associated with it, can not be directly held responsible for inappropriate human antisocial behaviours.

2.3.7 Concerns have also been raised by the public that there will be littering which could also result in an increase in vermin etc. In this instance a dedicated refuse storage area would be provided within the premises and there is a public litter bin near the front of the premises on Station Road/West Street corner for public use. It is therefore considered that the proposal would have no further significant impact on the surrounding area in terms of littering or refuse related matters. Members should note that arrangements may have been different when the previous café was run from this premises until September 2021. The proposed development would, therefore, be acceptable and would comply with Development Plan Policy in this respect.

2.3.8 In this instance, it is considered that the proposed change of use does comply with Policy 10 criterion 3 in that the development would not have a significant detrimental impact on the above or adjacent residential properties or impacts on the operation of existing or proposed businesses and commercial operations, so therefore would comply with the adopted FIFEplan (2017).

2.4 Visual Amenity/Impact on Conservation Area and Listed Buildings

2.4.1 SPP (2014), FIFEplan Policy 14 (Built and Historic Environment), Fife Council's Making Fife Places (2018); the relevant Historic Environment Scotland Technical Guidance Notes on exterior painting of listed buildings/properties within conservation areas; as well as Fife Council's Planning Customer Guidelines on Painting the Exterior of a Listed Building or Unlisted Building in a Conservation Area (2016) all advise that special care should be taken to protect and enhance traditional/key buildings within protected areas as well as ensuring appropriate colour schemes and types of paint are chosen. The guides also provide advice and guidance on the preparation,

methods and best conservation practices to cleaning, painting and reapplying etc. to ensure the works are appropriate, historically authentic and would be appropriate to protect the important fabric of buildings occurs. The St Monans Conservation Area Appraisal and Conservation Area Management Plan (2013) also provides settlement and building specific guidance on such built heritage assets and areas within the village. The application buildings are not specifically mentioned in this document but again the document advises that exterior colour choices for painting are important to the street and character of the area.

2.4.2 In this instance the external alterations proposed would include the walls still being changed in colour from light grey-brown to jasmine white and the timber doors being changed in colour from dark blue to light blue as previously consented but this time completed in full. The new window glass aspect is also proposed to have the same logo as No's 10-12 Station Road.

2.4.3 In this instance and given the small-scale external alterations and the materials proposed to match with existing materials, it is considered that the proposed external alterations would be compatible, appropriate, authentic, would respect the character of the building and street scene and indeed would continue to replicate other colour schemes already used locally in the village and wider East Neuk and are therefore considered appropriate and would meet the above policies and guidance and can be supported.

2.5 Road Safety

2.5.1 Adopted FIFEplan (2017) Policy 3 and Making Fife's Places Supplementary Guidance (2018) apply in this instance and aim to ensure road and pedestrian safety results in all developments.

2.5.2 In assessing this proposal, Fife Council's Transportation Development Management (TDM) team were consulted and have advised that they have no objection to the proposal. Concerns have been raised by third parties regarding the need for more parking for this proposal. Although there is a greater off street parking requirement (2 spaces) for the proposed change of use from Class 1 to Class 3, TDM officers further advise that it is unlikely that the proposal (amounting to a change of use of a gross floor area of approximately 17sqm) would attract significant additional car trips to create significant parking pressures in its own right. TDM officers note that it would more than likely be those who already live in, or are already visiting the area, who would visit the business. TDM officers therefore, are satisfied that there will be no road safety or significant parking issues as there will be very limited, if any, additional vehicular transport trips generated as a result of the proposal. No transport related conditions are recommended. The proposal is therefore considered to meet the relevant planning and transport policy guidelines in this regard.

2.5.3 Concerns have been raised regarding potential impact on people congregating on the pavement outside the application site and the impact this would have on other pedestrian users of the footpath outside this application site, however, this is not a material consideration with regards this application as the planning authority cannot regulate nor control how people act.

CONSULTATIONS

Transportation, Planning Services	No objections
Environmental Health (Public Protection)	No objections subject to condition
Transportation And Environmental Services - Operations Team	No response
Scottish Water	No response.

REPRESENTATIONS

7 letters of objection have been received in relation to this application. The material considerations relating to these concerns have been addressed under sections 2.2 (Principle of Development), 2.3 (Residential Amenity) and 2.5 (Road Safety) of this report of handling.

CONCLUSIONS

The proposal subject to conditions is considered acceptable in meeting the terms of the Development Plan and National Guidance. The proposal is considered to be compatible with its surrounds in terms of land use; would not cause any significant detrimental impacts on the amenity of the surrounding area or road safety and is considered acceptable in terms of its visual impact on the surrounding area.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. Notwithstanding the terms of Class 3 of The Town and Country Planning (Use Classes) (Scotland) Order 1997, the premises (café and wine bar as hereby approved) shall only sell food and drink products or similar goods where their preparation does not give rise to unacceptable cooking levels (e.g. frying/deep fat frying which would be detrimental to the amenity of the adjoining properties) including licenced beverages, coffee, teas, soft drinks, paninis, toasties, sandwiches, soup, rolls and bakery products. FOR THE AVOIDANCE OF DOUBT, frying/deep fat frying is hereby NOT PERMITTED.

Reason: In the interests of residential amenity; to prevent odour associated with cooking affecting the residential property located above the application site.

2. The hours of operation of the development hereby approved shall be restricted to between 09:00 and 16:00 Monday to Wednesday and Sunday and 09:00 and 23:00 on a Thursday - Saturday.

Reason: In order to protect the amenity of adjoining and nearby residents.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Policy and Guidance
Scottish Planning Policy (SPP) (2014)
PAN 1/2011 Planning and Noise

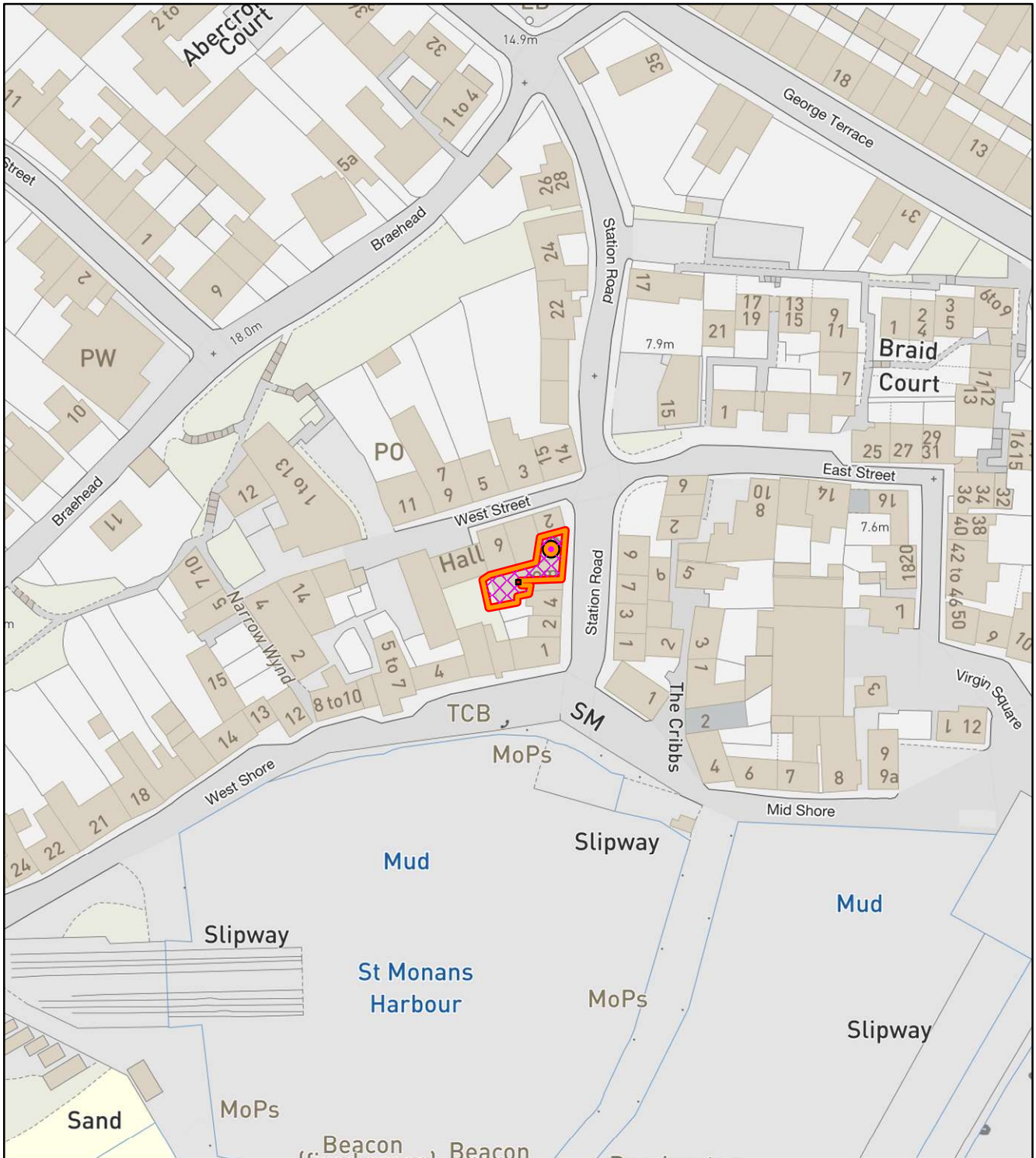
Development Plan
Adopted FIFEplan (2017)

Report prepared by Scott McInroy (Chartered Planner and case officer)
Report signed off by Chris Smith (Lead Officer – Chartered Planner and committee lead)

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6 + 10 - 12 Station Road St Monans Anstruther



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