

North East Planning Committee (Blended Meeting)

JP Court Room, County Buildings, Cupar

Wednesday, 31st May, 2023 - 1.00 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 North East Planning Committee of 3rd May, 2023. 3 – 7
4. **23/00084/FULL - RUSSELL HOTEL, 26 THE SCORES, ST ANDREWS** 8 – 19

Alterations and extension to allow for change of use from hotel (Class 7) to 6 flatted dwellings and associated works (partial demolition of existing building) (amendment to planning reference 22/01675/FULL to allow external alterations to the east elevation and installation of 6 no. air source heat pumps and erection of smoke shaft).
5. **23/00412/CAC - RUSSELL HOTEL, 26 THE SCORES, ST ANDREWS** 20 – 26

Conservation Area Consent for substantial demolition of part of former hotel.
6. **23/00117/FULL - 6 MID SHORE, PITTENWEEM, ANSTRUTHER** 27 – 33

Installation of mural (retrospective).
7. **23/00528/LBC - 6 MID SHORE, PITTENWEEM, ANSTRUTHER** 34 – 40

Listed Building Consent for painted mural to side of building (retrospective).
8. **APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**

List of applications dealt with under delegated powers for the period 17th April to 14th May, 2023.

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
Head of Legal and Democratic Services
Finance and Corporate Services

Fife House
North Street
Glenrothes
Fife, KY7 5LT

24th May, 2023

If telephoning, please ask for:

Diane Barnet, Committee Officer, Fife House 06 (Main Building)

Telephone: 03451 555555, ext. 442334; email: Diane.Barnet@fife.gov.uk

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BLENDED MEETING NOTICE

This is a formal meeting of the Committee and the required standards of behaviour and discussion are the same as in a face to face meeting. Unless otherwise agreed, Standing Orders will apply to the proceedings and the terms of the Councillors' Code of Conduct will apply in the normal way

For those members who have joined the meeting remotely, if they need to leave the meeting for any reason, they should use the Meeting Chat to advise of this. If a member loses their connection during the meeting, they should make every effort to rejoin the meeting but, if this is not possible, the Committee Officer will note their absence for the remainder of the meeting. If a member must leave the meeting due to a declaration of interest, they should remain out of the meeting until invited back in by the Committee Officer.

If a member wishes to ask a question, speak on any item or move a motion or amendment, they should indicate this by raising their hand at the appropriate time and will then be invited to speak. Those joining remotely should use the "Raise hand" function in Teams.

All decisions taken during this meeting, will be done so by means of a Roll Call vote.

Where items are for noting or where there has been no dissent or contrary view expressed during any debate, either verbally or by the member indicating they wish to speak, the Convener will assume the matter has been agreed.

There will be a short break in proceedings after approximately 90 minutes.

Members joining remotely are reminded to have **cameras switched on** during meetings and mute microphones when not speaking. During any breaks or adjournments please switch cameras off.

THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE - BLENDED MEETING

JP Court Room, County Buildings, Cupar

3rd May, 2023

1.00 p.m. – 3.05 p.m.

PRESENT: Councillors Jonny Tepp (Convener), Al Clark, Fiona Corps, Sean Dillon, Alycia Hayes, Stefan Hoggan-Radu, Gary Holt, Louise Kennedy-Dalby, Allan Knox, Robin Lawson, Jane Ann Liston, Donald Lothian, David MacDiarmid and Ann Verner.

ATTENDING: Alastair Hamilton, Service Manager Development Management, Economy, Planning & Employment Services; Steven Paterson, Solicitor, Planning & Environment and Diane Barnet, Committee Officer, Legal & Democratic Services, Finance & Corporate Services.

APOLOGIES FOR ABSENCE: Councillors John Caffrey and Margaret Kennedy.

79. DECLARATIONS OF INTEREST

Councillor Corps declared an interest in Para. No. 84. - 23/00277/FULL – 1 Lindsay Berwick Place, Anstruther - as she lived in the area and had dealings with parties involved.

80. MINUTE

The Committee considered the minute of the North East Planning Committee of 8th March, 2023.

Decision

The Committee agreed to approve the minute.

81. 22/03327/FULL - 8 MAIN STREET, KILCONQUHAR, LEVEN

The Committee considered a report by the Head of Planning Services relating to an application for the formation of a timber jetty (retrospective).

Councillor MacDiarmid moved refusal of the application on the grounds that the development was likely to have a detrimental impact on the natural heritage, biodiversity and bird welfare at Kilconquhar Loch and would not protect or preserve the Loch as a Site of Special Scientific Interest (SSSI). Also, that the development would have a detrimental visual impact on the surrounding landscape of the Kilconquhar Conservation Area. However, having failed to find a seconder, the motion fell.

Decision/

Decision

The Committee agreed to approve the application, subject to the one condition and for the reason detailed in the report.

82. 22/04210/FULL - 24 MAIN STREET, KILCONQUHAR, LEVEN

The Committee considered a report by the Head of Planning Services relating to an application for the formation of a raised deck within the curtilage of the dwellinghouse (retrospective).

Councillor MacDiarmid moved refusal of the application on the grounds that the development was likely to have a detrimental impact on the natural heritage, biodiversity and bird welfare at Kilconquhar Loch and would not protect or preserve the Loch as a Site of Special Scientific Interest (SSSI). Also, that the development would have a detrimental visual impact on the surrounding landscape of the Kilconquhar Conservation Area. However, having failed to find a seconder, the motion fell.

Decision

The Committee agreed to approve the application subject to the one condition and for the reason detailed in the report.

83. 22/03688/FULL - 39 SCOONIEHILL ROAD, ST ANDREWS

The Committee considered a report by the Head of Planning Services relating to an application for a change of use from public land to garden ground.

Decision

The Committee agreed to approve the application subject to the 2 conditions and for the reasons detailed in the report.

Prior to consideration of the following item, Councillor Corps, having declared an interest, left the meeting at this point.

84. 23/00277/FULL - 1 LINDSAY BERWICK PLACE, ANSTRUTHER

The Committee considered a report by the Head of Planning Services relating to an application for a change of use from public open space to private parking area.

Motion

Councillor Liston, seconded by Councillor Hayes, moved to refuse the application on the grounds that the proposed development did not comply with:-

- (1) Policy 14 of National Planning Framework 4 (2023), Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on residential amenity due to the loss of open space; and

- (2)/

2023 NEPC 42

- (2) Policy 13 of National Planning Framework 4 (2023), Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on road safety due to its proximity to public open space used as an informal play provision.

Amendment

Councillor Knox, seconded by Councillor Lothian, moved to approve the application subject to the 4 conditions and for the reasons detailed in the report.

Roll Call Vote

For the Motion - 10 votes

Councillors Clark, Dillon, Hayes, Hoggan-Radu, Kennedy-Dalby, Lawson, Liston, MacDiarmid, Tepp and Verner.

For the Amendment - 2 votes

Councillors Knox and Lothian.

Having received a majority of votes, the motion to refuse the application was carried.

Decision

The Committee agreed:-

- (1) to refuse the application on the grounds that the proposed development did not comply with:-
 - (a) Policy 14 of National Planning Framework 4 (2023), Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on residential amenity due to the loss of open space; and
 - (b) Policy 13 of National Planning Framework 4 (2023), Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on road safety due to its proximity to public open space used as an informal play provision; and
- (2) agreed to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to finalise the full reasons for refusal in order to ensure that a decision on the application was not unduly delayed.

Councillor/

Councillor Holt left the meeting during consideration of the above item and Councillor Dillon left the meeting following consideration of the above item.

The Committee adjourned at 2.30 p.m. and reconvened at 2.40 p.m..

Councillor Corps re-joined the meeting following consideration of the above item.

85. 23/00356/FULL - THE STEADING, 8 BROWNHILLS STEADINGS, BROWNHILLS

The Committee considered a report by the Head of Planning Services relating to an application for external alterations including raise roof pitch, installation of 2 dormer extensions, 2 rooflights and rebuilding of stone gables to match existing (renewal of planning application 17/03879/FULL).

Motion

Councillor Liston, seconded by Councillor Lawson, moved to refuse the application on the grounds that the development did not comply with Policy 14 of National Planning Framework 4 (2023), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on the visual amenity of the other dwelling houses in the Steading due to the proposed increase in height.

Amendment

Councillor Tepp, seconded by Councillor Lothian, moved as an amendment to approve the application subject to the 3 conditions and for the reasons detailed in the report.

Roll Call Vote

For the Motion - 2 votes

Councillors Lawson and Liston.

For the Amendment - 10 votes

Councillors Clark, Corps, Hayes, Hoggan-Radu, Kennedy-Dalby, Knox, Lothian, MacDiarmid, Tepp and Verner.

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 3 conditions and for the reasons detailed in the report.

86./

86. 23/00401/FULL - 3 ANNSMUIR CARAVAN PARK, ANNSMUIR, CUPAR

The Committee considered a report by the Head of Planning Services relating to an application for the erection of a summerhouse (retrospective).

Decision

The Committee agreed to approve the application subject to the 2 conditions and for the reasons detailed in the report.

87. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.

Decision

The Committee noted the list of applications dealt with under delegated powers for the period 20th March to 16th April, 2023.

ITEM NO: 4

APPLICATION FOR FULL PLANNING PERMISSION REF: 23/00084/FULL

SITE ADDRESS: RUSSELL HOTEL 26 THE SCORES ST ANDREWS

PROPOSAL: ALTERATIONS AND EXTENSION TO ALLOW FOR CHANGE OF USE FROM HOTEL (CLASS 7) TO 6 FLATTED DWELLINGS AND ASSOCIATED WORKS (PARTIAL DEMOLITION OF EXISTING BUILDING) (AMENDMENT TO PLANNING REFERENCE 22/01675/FULL TO ALLOW EXTERNAL ALTERATIONS TO THE EAST ELEVATION AND INSTALLATION OF 6 NO. AIR SOURCE HEAT PUMPS AND ERECTION OF SMOKE SHAFT)

**APPLICANT: WT THE SCORES LTD.
25 RUTLAND SQUARE EDINBURGH SCOTLAND**

**WARD NO: W5R18
St. Andrews**

CASE OFFICER: Scott McInroy

**DATE 06/03/2023
REGISTERED:**

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The Community Council objected to this application as a Statutory Consultee

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 National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the now adopted NPF4 and the adopted FIFEplan LDP 2017. The determination of the previous application predated the adoption of NPF4 so the assessment of the current application is now set against a Local Development Plan which includes the policy provisions of NPF4.

1.2 The application site is currently occupied by a non-listed 3-storey, end of terrace stone hotel facing onto The Scores. The original early 20th century part of the hotel is in keeping with the local context as it forms the end of a terrace and stands on the corner of The Scores and Murray Park. To the rear is a two-storey extension formed of multiple extensions and alterations (post-World War 2) which fronts onto Murray Park. The main Hotel building is finished in stone, with slate roof and large one over one windows while the later extension to the rear is finished in dry render and some facing brick with ad hoc windows and door while the main hotel building is finished in stone. The Russell Hotel is located within the settlement boundary of St Andrews. The building is not listed though sits within the Central St Andrews Conservation Area and within an area of Archaeological Regional Importance. The surrounding area is a mix of commercial and residential premises. Access is currently taken from the Scores.

1.3 This application is for alterations and extension to allow for change of use from hotel (Class 7) to 6 flatted dwellings and associated works (Partial Demolition of existing building) (amendment to planning reference 22/01675/FULL to allow external alterations to the east elevation and installation of 6 No. white coloured air source heat pumps and erection of a light grey smoke shaft). The main changes from application 22/001675/FULL include the roof structure being removed in its entirety and being rebuilt to match the existing. The turret on the northeast corner is to be temporarily removed and then reinstated while the down takings on the south facing stone wall will now include the gabled portion perpendicular to Murray Park. This portion will be rebuilt in natural stone to the existing profile and recreate the existing window

opening and copings to the apex. The 6 air source heat pumps are proposed to be added to the roof along with a smoke vent shaft and light grey lift shaft overrun housing. The proposed solar panels and a proposed window on the east elevation (as per approved application 22/01675/FULL) are no longer proposed. The smoke shaft is required to naturally ventilate escape routes.

1.4 There planning history for this site is as follows:

22/01674/CAC - Substantial Demolition in a Conservation Area - Approved by North East Fife Planning Committee on 16.12.2022.

22/01675/FULL - Alterations and extension to allow for change of use from hotel (Class 7) to 6 flatted dwellings and associated works (Partial Demolition of existing building) - Approved by North East Fife Planning Committee on 16.12.2022.

1.5 Application 23/00412/CAC for the same site which relates to an application seeking Conservation Area Consent for substantial demolition in a Conservation Area and is also included on this agenda for Member's consideration.

1.6 Application Process

1.6.1 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.

1.6.2 No physical site visit was undertaken as part of this application; however, one was undertaken as part of the consideration of applications 22/01675/FULL and 22/01674/CAC on 16.09.2022.

2.0 Assessment

2.0.1 The issues to be assessed against the development plan and other guidance are as follows: -

- Principle of Development
- Design/Visual Impact on Conservation Area
- Residential Amenity
- Garden Ground
- Transportation
- Archaeology
- Low Carbon
- HMO

2.1 Principle of Development

2.1.1 NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options and where relevant within 20 minutes neighbourhoods. NPF4 Policy 16 aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable

homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

2.1.2 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.

2.1.3 In simple land use terms, the principle of the residential development clearly meets the requirements of the Development Plan and national guidance by virtue of the site being situated within a defined settlement; within an established residential area of St Andrews all as defined in the Adopted FIFEplan - Fife Local Development Plan (2017) and through the consenting of application 22/01675/FULL. Notwithstanding this, the overall acceptability of the application is subject to the development satisfying other policy criteria such as design, amenity, road safety and other matters all of which are considered in detail below.

2.2 Design/Visual Impact on Conservation Area

2.2.1 Policy 7 of NPF4 states Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest and proposals affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. NPF4 Policy 7 also stipulates development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained. Policy 14 of NPF 4 states development proposals should be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. NPF Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017), St. Andrews Design Guidelines (2011), Making Fife's Places Supplementary Guidance (2018), the St Andrews Conservation Area Appraisal and Management Plan (2010), Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2014) and Historic Environment Scotland (HES) Historic Environment Policy for Scotland (May 2019) and Managing Change in the Historic Environment (2010) also apply with regard to this proposal.

2.2.2 Policy 1 of the Adopted FIFEplan Local Development Plan (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. Additionally, Policy 10 of FIFEplan (2017) advises that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported.

2.2.3 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. Additionally, it sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places. Lastly, the Supplementary Guidance recognises that

the built environment has been adapted over time to meet changing needs, stating that protecting the historic environment is not about preventing change but ensuring that changes are appropriate to their location. Sustainable management of the historic environment should be based on a Conservation Area appraisal.

2.2.4 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. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within HES Policy Statement. The application property is not mentioned in the document.

2.2.5 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. The guidance further advises that the introduction of contemporary design in a traditional environment is challenging, and not every site will be able to accommodate this approach, but where appropriate and where design is of a sufficiently high standard of architectural quality, there is an opportunity to develop new built heritage for the future. Key principles related to the proposed development include:

Guideline 8 - Ensure that new development conforms to the predominant height of the visible adjacent roofs to maintain the existing skyline and the prominence of the landmark towers and spires.

Guideline 9 - Ensure that the height of new development beyond the town centre area respects the immediate and wider setting and does not rise above sightlines of the historic skyline from the main approach roads.

Guideline 19 - Ensure that all streetscape and building proposals take account of the need for compliance with the Disability Access and Discrimination Act.

Guideline 47 - Provide for adequate on-site waste storage as part of any new planning or licensing consent to ensure that commercial and domestic waste storage containers are not visible from the public realm and are only permitted in the streets immediately prior to collection.

Guideline 63 - Ensure that the development proposals meet the test for acceptable change.

- The design quality is high and will enhance the townscape character
- that the function will help to sustain the economic and social role of the town centre.

This applies to all types of development (alterations, refurbishments, extensions, and new build) and all designs (contemporary or traditional).

Guideline 64 - Encourage good quality design innovation where it is appropriate and to strict constraints on height, footprint, massing, proportion, and materials.

2.2.6 Design advice from HES New Design in Historic Settings (2010) suggests two valid approaches to new developments in conservation areas - historicist faithful matching in design

detail, materials and methods, or a respectful and subsidiary contemporary design in high quality contextual materials.

2.2.7 Concerns have been raised regarding the proposed changes to the roof. The main changes from application 22/01675/FULL include the roof structure being removed in its entirety and being rebuilt to match the existing. The turret on the northeast corner is proposed to be temporarily removed and then reinstated while the down takings on the south facing stone wall will now include the gabled portion perpendicular to Murray Park. This portion would be rebuilt in natural stone to the existing profile and recreate the existing window opening and copings to the apex. 6 air source heat pumps (each being approximately 1m long and 0.9m high above their roof plinth and 0.6m wide) would be added to the roof along with a smoke vent shaft and elevator lift shaft overrun housing. The proposed solar panels and a proposed window on the east elevation (as per approved application 22/01675/FULL) are no longer proposed. The proposed lift overrun housing (approximately 2m by 2m wide) would be 0.7m above the flat roof finish level, while the smoke vent shaft (approximately 1m by 1.3m wide) would be 2.1m above the roof level. The smoke vent shaft is however located towards the rear of the building at roof level and is therefore not open to general public view from ground level. In any more distant views its height will be set against the context of the wider roof scape and other buildings and will not be a significantly prominent feature. The proposed west elevation and lower levels on the south elevation is to be finished in facing brick rather than ashlar sandstone. This elevation cannot be viewed from the public streetscene and the change of finishing material is in keeping with the surrounding area. The proposed amendments to the approved application (22/01675/FULL) are considered to raise no significant concerns from a visual amenity perspective nor prejudice the architectural merit or context of the conservation area. The proposed external finishing colours of the proposed features in white or light grey are also considered appropriate for the building in this location.

2.2.8 In this instance it is considered that the proposal respects the character, appearance, and prevailing pattern of the area in terms of density, scale, design, and external finishes and therefore complies with the relevant Development Plan policies and guidelines relating to design and visual impact. The rooftop features would be small in scale, suitably coloured and no higher than other roof furniture and features on not only the site property but on other adjacent properties. The proposal as a whole is also considered acceptable as public views would be limited and visually would be set against the backdrop of other roof tops and features in the local/street scene context. It is also considered acceptable given the installation of such features would enhance the energy efficiencies of the property as well as improving the accessibility for all.

2.3 Residential Amenity

2.3.1 NPF 4 Policy 16 Part (g) whilst predominantly for householder development proposals advises that support will generally be given where proposals - (i) do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and (ii) do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. In this instance whilst the policy criteria relate to householder developments, these requirements are also considered materially relevant to new residential units and the need to protect amenity standards for both existing as well as new occupants.

2.3.2 Policy 1 and 10 of the adopted FIFEplan supports development proposals where they are compatible with neighbouring uses and protect personal privacy and amenity.

2.3.3 Fife Council's Planning Customer Guidelines on Daylight and Sunlight seeks to ensure that adequate levels of natural light are achieved in new developments and unacceptable impacts on light to nearby properties are avoided.

2.3.4 The main consideration in this instance relates directly to any impact the proposed dwelling units would have on the adjacent residential properties and on each other in relation to overlooking, loss of privacy and loss of daylight. The main changes from application 22/001675/FULL include the roof structure being removed in its entirety and being rebuilt to match the existing. Further to that the other potential amenity issues for consideration include the potential noise from the proposed air source heat pumps on the rooftop as well as the noise from any lift plant. In this instance, as the proposed changes are predominately to the roof of the existing building, their limited scale and more central location would not create any significant overshadowing nor impact on sunlight and daylight levels of the adjacent properties. There are no new overlooking issues arising from the amendments to the approved development. The proposal therefore complies with the relevant policies and guidelines relating to residential amenity in those regards.

2.3.5 Given that this application proposes to add 6 air source heat pumps to the proposal (replacing the previously proposed approved solar panels), potential noise matters are a key consideration. In assessing this proposal, Fife Council's Public Protection team were consulted and assessed the submitted Noise Impact Assessment and concur with the assessment conclusions. Subsequently officers recommend that a condition relating to noise from all plant, machinery or equipment which should not exceed NR25 in bedrooms during the night and NR30 during the day in all habitable rooms. Conditions that were attached to the previous consent (22/01675/FULL) regarding requiring the applicant to submit a Scheme of Works Report to mitigate the effects on sensitive premises/areas (neighbouring properties and road) of dust, noise and vibration from the construction phase of the proposed development have also been attached to the application.

2.4 Garden Ground

2.4.1 Fife Council's Planning Customer Guidelines on Garden Ground advises that new flats should have at least 50m² of private garden ground. In the case of this application no private garden ground is proposed.

2.4.2 No change is proposed in terms of the number of flatted dwellings that were approved through application 22/01675/FULL. The adoption of NPF4 does not introduce any policy considerations which would lead to a different conclusion to the determination of this issue in relation to the current application.

2.5 Transportation

2.5.1 Policy 13 of NPF4 states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and where appropriate they will be accessible by public transport. Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council's Transportation Development Guidelines apply in this respect. Policy 3 states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served

by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.5.2 No change is proposed in terms of the number of proposed dwellings that were approved through application 22/01675/FULL. The proposal therefore is acceptable in meeting the road safety and transport related policy requirements.

2.6 Archaeology

2.6.1 Policy 7 of NPF4 states non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment. Adopted FIFEplan (2017) Policies 1 and 14 apply in this instance. St Andrews Design also applies with Guideline 20 stating - Contact the Fife Council archaeologist in relation to all development that involve sub-surface disturbance works in the historic core.

2.6.2 The site lies within the conservation area and within the area zoned by the Council as St Andrews Archaeological Area of Regional Importance. In assessing this proposal, the Council's Archaeologist was consulted and advised of the following. The site is considered to be extremely archaeologically sensitive and likely to contain buried archaeological deposits of early medieval date. Including the possibility of burials. As development would involve significant sub-surface disturbance on the site, a record of this change should be made by means of an archaeological condition. An appropriate condition has been attached to this application should Members be minded to approve the application in accordance with the Service recommendation.

2.7 Low Carbon

2.7.1 NPF 4 Policies 1 (Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) advise that when considering proposals, significant weight to encourage, promote and facilitate development in sustainable locations and those that address the global climate and nature crises through zero carbon and nature positive places will be encouraged. As such proposals will be sited and designed to minimise lifecycle greenhouse gas emissions and adapt to current and future risks for climate change as far as possible.

2.7.2 NPF4 Policy 11 (Energy) also provides support for all forms of renewable, low-carbon and zero emissions technologies provided associated detrimental impacts are addressed whilst Policy 12 (Zero Waste) also aims to encourage, promote and facilitate development that is consistent with the waste hierarchy and as such development proposals should seek to reduce, reuse or recycle materials and amongst others reuse existing buildings; reduce/minimise waste; use materials with the lowest forms of embodied emissions such as recycled and natural construction materials. Policy 19 (Heat and Cooling) part (f) advises that development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.

2.7.3 Collectively, Policies 1:Development Principles (Part B), 3: Infrastructure and Services and 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place. The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support. The applicant has submitted a design statement which states that the development would have 6 air source heat pumps on the roof and that the materials used will be sourced locally.

2.7.4 As such, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon.

2.8 Houses in Multiple Occupation

2.8.1 Policy 2 of the Adopted FIFEplan prohibits the use of new houses and flats as HMOs and seeks to control the changes in use of existing property for use as HMOs unless the development is purpose built for that use. The planning authority imposes this restriction by applying a condition to planning permissions.

2.8.2 The proposal is not intended for HMO use at this time and a suitable condition is recommended to ensure that the property will not be used as an HMO in the future unless a further application for that use is submitted for consideration.

CONSULTATIONS

Environmental Health (Public Protection) Community Council	No objection subject to conditions Royal Burgh of St Andrews Community Council object due to the visual impact on the conservation area arising from the partial reconstruction of elements of the building, detrimental impact on the roof scape.
Urban Design, Planning Services	No comment

REPRESENTATIONS

None

CONCLUSIONS

This full planning application for the amendment to planning reference 22/01675/FULL to allow external alterations to the east elevation, the installation of 6 no. air source heat pumps and erection of smoke shaft and lift housing are all deemed acceptable in terms of both scale and design. The proposed amendments would have no adverse impact on the special architectural/historic interest of the building. Furthermore, there would be no significant impact on existing levels of residential amenity. In light of the above, the proposal would be deemed to preserve the character of the adjacent listed buildings and the surrounding St Andrews

Conservation Area, and as such, comply with NPF4 and FIFEplan 2017 policies and other related guidance. The application is therefore recommended for conditional approval.

RECOMMENDATION

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

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 WORKS START ON SITE, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of archaeological importance.

3. The total noise from all plant, machinery or equipment shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation.

For the avoidance of doubt, daytime shall be 0700-2300hrs and night-time shall be 2300-0700hrs.

Reason: To protect the residential amenity of the surrounding area

4. BEFORE WORKS COMMENCE ON SITE a scheme designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and highway) of dust, noise and vibration from the construction of the proposed development shall be submitted to the Planning Authority for approval. Upon approval all matters detailed in the scheme shall be carried out in accordance with the scheme unless otherwise agreed in writing by the Planning Authority

Reason: In the interests of safeguarding the amenity of adjoining and nearby residents.

5. Each residential unit provided on the site shall be used solely as a residence for (a) a single person or by people living together as a family; or (b) not more than 5 unrelated residents living together in a dwellinghouse. For the avoidance of doubt none of the residential units hereby approved shall be used for Housing in Multiple Occupation.

Reason: In the interests of maintaining a mixed and balanced housing stock as required by Policy 2 of the Adopted FIFEplan 2017.

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 Guidance

Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Historic Environment Scotland Policy Statement (June 2016)

Historic Environment Scotland's Managing Change in the Historic Environment (2010)

PAN 1/2011: Planning and Noise

Development Plan:

NPF4 (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Other Guidance:

Fife Council Planning Customer Guidelines - Garden Ground (2016)

Fife Council Planning Customer Guidelines - Daylight and Sunlight (2022)

Fife Council Planning Customer Guidelines - Minimum Distances between Window Openings (2011)

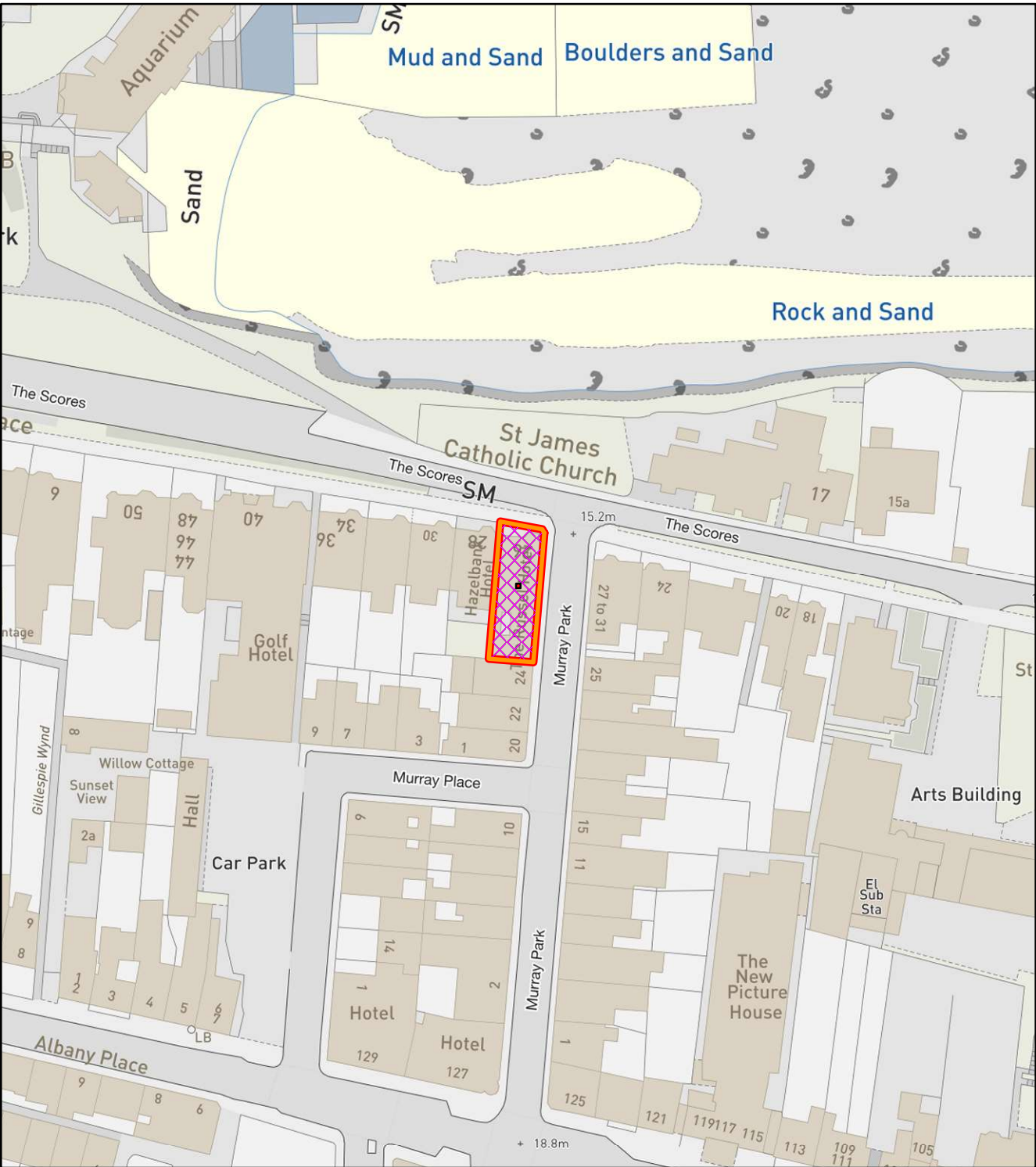
St Andrews Conservation Area and Management Plan (2013)

St Andrews Design Guidelines (2007)

Report prepared by Scott McInroy, Planner Development Management

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 22/5/23.

Date Printed 02/05/2023



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Legend

 Application Boundary







Economy, Planning & Employability Services

ITEM NO: 5**APPLICATION FOR CONSERVATION AREA CONSENT REF: 23/00412/CAC****SITE ADDRESS: RUSSELL HOTEL 26 THE SCORES ST ANDREWS****PROPOSAL: CONSERVATION AREA CONSENT FOR SUBSTANTIAL
DEMOLITION OF PART OF FORMER HOTEL****APPLICANT: WT THE SCORES LTD.
25 RUTLAND SQUARE EDINBURGH SCOTLAND****WARD NO: W5R18
St. Andrews****CASE OFFICER: Scott McInroy****DATE 13/03/2023
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application could be determined under delegated authority, but the associated application for full planning permission which is on this agenda would be subject to a different appeal route unless both applications are determined together by Committee.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL
CONSIDERATIONS**

Under Sections 59(1) and 66 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the determination of an application for demolition of a building in a Conservation Area shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses.

1.0 BACKGROUND

1.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of a planning application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the now adopted NPF4 and the adopted FIFEplan LDP 2017.

1.2 This application relates to the two-storey rear extension to the Russell Hotel building which contains bedrooms and back of house facilities for the wider hotel complex. The original early 20th century part of the hotel is in keeping with the local context as it forms the end of a terrace and stands on the corner of The Scores and Murray Park. The later addition fronting Murray Park which is proposed to be demolished is formed of multiple extensions and alterations (post-World War 2) of poor quality. The Russell Hotel is located within the settlement boundary of St Andrews. The building is not listed though sits within the Central St Andrews Conservation Area and within an area of Archaeological Regional Importance. The surrounding area is a mix of commercial and residential premises. The application site measures approximately 276m², with the area to be demolished measuring 125m². The rear extension is finished in dry render and some facing brick with ad hoc windows and door while the main hotel building is finished in stone. The area to be demolished fronts onto Murray Place.

1.3 This application is for Conservation Area Consent for the substantial demolition of part of former hotel. Related planning application 23/00084/FULL for 'Alterations and extension to allow for the change of use from hotel (Class 7) to 6 flatted dwellings and associated works (Partial Demolition of existing building) (amendment to planning reference 22/01675/FULL to allow external alterations to the east elevation and installation of 6 no. air source heat pumps and erection of smoke shaft)' is currently under consideration for this site. The main changes from application 22/001675/FULL include the roof structure being removed in its entirety and being rebuilt to match the existing. The turret on the northeast corner is proposed to be temporarily removed and then reinstated while the down takings on the south facing stone wall would now also include the gabled portion perpendicular to Murray Park. This portion would however be rebuilt in natural stone to the existing profile and recreate the existing window opening and copings to the apex. 6 air source heat pumps are also proposed to be added to the roof along with a light grey smoke vent shaft and light grey lift shaft overrun housing. The proposed solar panels and a proposed window on the east elevation (as per approved application 22/01675/FULL) are to be removed. The air source heat pumps would be white in colour.

1.4 There planning history for this site is as follows:

22/01674/CAC - Substantial Demolition in a Conservation Area - Approved by North East Fife Planning Committee on 16.12.2022.

22/01675/FULL - Alterations and extension to allow for change of use from hotel (Class 7) to 6 flatted dwellings and associated works (Partial Demolition of existing building) - Approved by North East Fife Planning Committee on 16.12.2022.

1.5 Application 23/00084/FULL for the same site which relates to an application seeking planning permission for the above amendments is also included on this agenda for Member's consideration.

1.6 Application Process

1.6.1 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.

1.6.2 No physical site visit was undertaken as part of this application; however, one was undertaken as part of the consideration of applications 22/01674/CAC and 22/01675/FULL on 16.09.2022.

2.0 PLANNING ASSESSMENT

2.1 The issue to be assessed against the Development Plan and other guidance is as follows: -

- Impact on the Conservation Area

2.2 Impact on the Conservation Area

2.2.1 Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Policies 1 and 14 of the FIFE plan Local Development Plan (2017), the Making Fife's Places Supplementary Guidance Document (2018), NPF 4 (2023), Historic Environment Scotland (HES) Historic Environment Policy for Scotland (May 2019), Managing Change in the Historic Environment: Demolition (2010) and the Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019), and the St Andrews Conservation Area Appraisal and Management Plan (2010) apply with regard to this proposal.

2.2.2 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. Design and materials which will affect a conservation area or setting of a listed building shall be appropriate to both the character and appearance of the building or area and its setting.

2.2.3 Policy 7 of NPF4 states Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest and proposals affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. NPF4 Policy 7 also stipulates development proposals in conservation areas will ensure that existing natural and built features

which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

2.2.4 Policy 1 of the Adopted FIFEplan Local Development Plan (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 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported.

2.2.5 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. It additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how developments proposals can be evaluated to ensure compliance with the six qualities of successful places. Lastly, the Supplementary Guidance recognizes that the built environment has been adapted over time to meet changing needs. Protecting the historic environment is not about preventing change but ensuring that changes are appropriate to their location. Sustainable management of the historic environment should be based on a Conservation Area appraisal.

2.2.6 HES Historic Environment Policy for Scotland (May 2019) states that the demolition of a building and the construction of a new building in its place, could result in harm to the character and appearance of a Conservation Area, and therefore, the Planning Authority must take into account the importance of the building to the character or appearance of the Conservation Area and of proposals for the future of the cleared site. HES Managing Change in the Historic Environment: Demolition (2010) notes that proposals for demolition in conservation areas should be considered in the context of an application for full planning permission for replacement development. Demolition should not take place until evidence is provided that contracts are let for the replacement development or the landscaping of the site (if appropriate). Works should protect the character and appearance of the conservation area. Further to this, demolition should be supported in-line with one of four 'tests':

- Is the building no longer of special interest?
- Is the building incapable of meaningful repair?
- Is the demolition of the building essential to delivering significant benefits to economic growth or the wider community?
- Is the repair and reuse of the building economically unviable?

The Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) document produced by HES sets out that when deciding whether conservation area consent should be granted. The Interim Guidance advises that demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult. In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building.

2.2.7 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. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within HES Historic Environment Policy for Scotland (May 2019). The application site is not referenced in the document.

2.2.8 The rear extension to the Russell Hotel is formed of multiple extensions and alterations (post-World War 2) and its form and use of materials have little architectural or historic merit. The removal of this element of the Russell Hotel would have no negative affect on the streetscape or nearby buildings of specific architectural or historical interest. The application site already benefits from a live CAC consent (22/01674/CAC). The scope of down takings has been increased since the previous application was approved, to include two elements of the existing building which are proposed to be carefully dismantled and rebuilt as described in paragraph 1.3. Historic Environment Scotland have been reconsulted with regard to this proposal and they have no objections to the demolition of this building due to the level of alteration that has already occurred and given that the existing building provides no contribution to the character of the conservation area. The case for demolition still complies with the relevant guidance. As stated earlier, a planning application is running in conjunction with this proposal to secure new development for this site for residential use. It is considered, therefore, that the proposed complete demolition of the rear extension of the Russell Hotel and other new additional works accord with the relevant policy and guidance relating to the impact of the works on the character and appearance of the Conservation Area. The proposal is recommended for approval subject to a condition to ensure that no demolition takes place until an appropriate replacement contracts for a detailed replacement development (i.e. planning application 23/00084/FULL) are in place.

CONSULTATIONS

Historic Environment Scotland

No objection

REPRESENTATIONS

2 objections have been received to this application. The concerns raised in the submitted representations, and the Planning Authority's response to these, are summarised below.

1. These objections relate to the proposed redevelopment works and not the proposed down takings related to this application for demolition and are therefore not material planning considerations for this Conservation Area Consent application. For Members information the issues are however considered in detail in the related FULL planning application.
2. Comments regarding previous applications are noted but are not a material planning consideration in the assessment of this application.

CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of the National Guidance and the St Andrews Conservation Area Appraisal and Management Plan 2010. The existing building is a modern addition with no architectural or historic value. The loss of that part of the property would have no significant detrimental impact on the character and appearance of the St Andrews Conservation Area. It is therefore considered that complete demolition of that part of the building accords with the relevant provisions of policy and guidance relating to the impact of the works on the character and appearance of the Conservation Area. The proposal is

recommended for approval subject to a condition to ensure that demolition does not take place until consent for a replacement development has been approved.

RECOMMENDATION

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

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. NO WORKS OF DEMOLITION SHALL TAKE PLACE until construction contracts have been entered into for the replacement development of the site and written evidence of this has been submitted and approved in writing by this Planning Authority. The replacement development shall be for a scheme with a valid full planning permission.

Reason: In the interests of visual amenity; to ensure that this Planning Authority retains effective control over the timing of the development to avoid an unsightly gap in a prominent position in the Conservation Area.

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 Guidance

Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997

Historic Environment Policy for Scotland (April 2019)

Historic Environment Scotland's Managing Change in the Historic Environment Guidance on Demolition (2010)

Historic Environment Scotland's New Design in Historic Settings

Development Plan

NPF4

Adopted FIFEplan Local Development Plan 2017

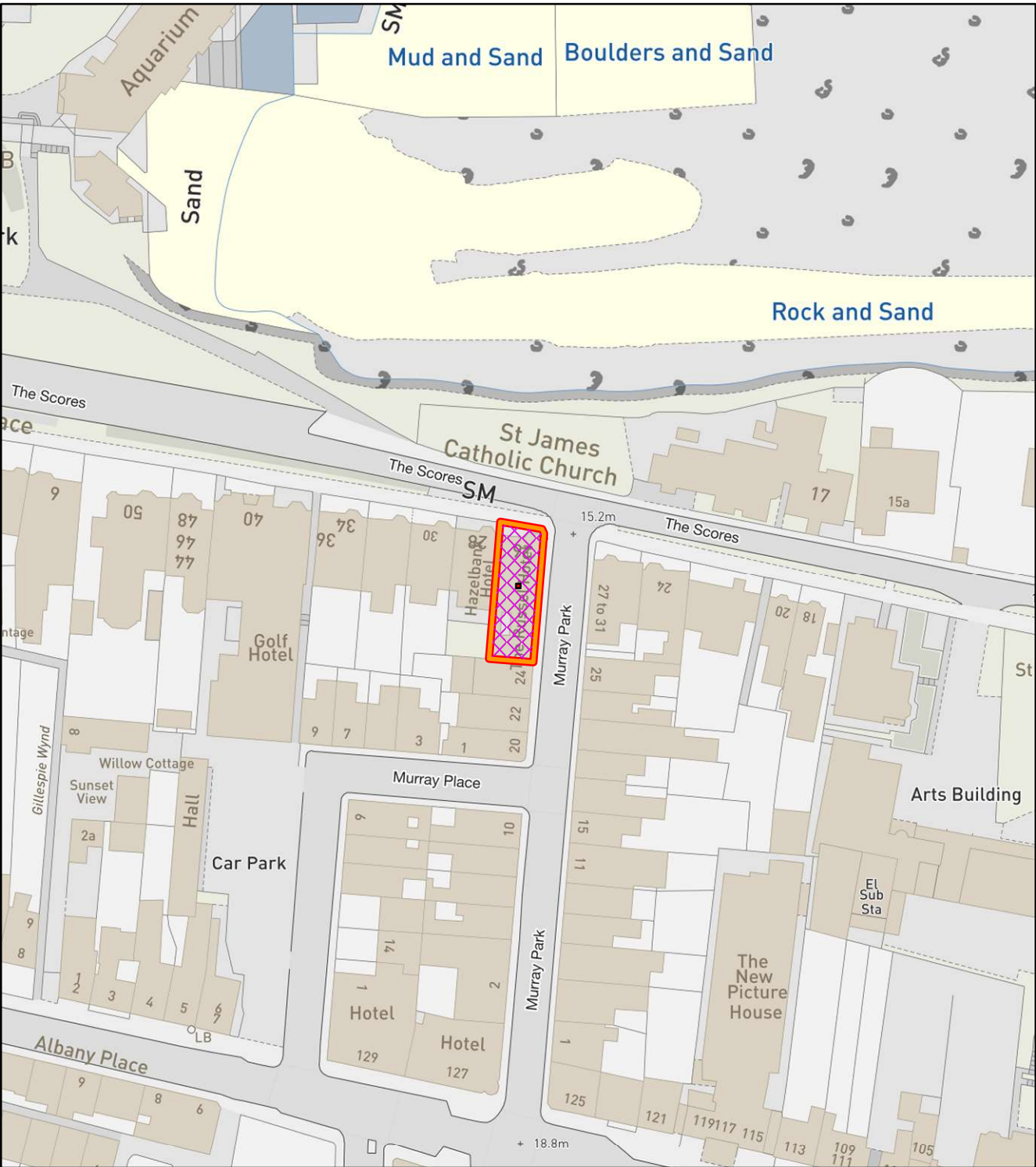
Other Guidance

Fife Council's St Andrews Conservation Area Appraisal and Management Plan 2010

Report prepared by Scott McInroy, Planner Development Management

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 22/5/23.

Date Printed 20/04/2023



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Legend

 Application Boundary







Economy, Planning & Employability Services

ITEM NO: 6**APPLICATION FOR FULL PLANNING PERMISSION REF: 23/00117/FULL****SITE ADDRESS: 6 MID SHORE PITTENWEEM ANSTRUTHER****PROPOSAL : INSTALLATION OF MURAL (RETROSPECTIVE)****APPLICANT: MR ALLAN ADEY
THE LARACHMHOR TAVERN 6 MID SHORE MID SHORE****WARD NO:** W5R19
East Neuk And Landward**CASE OFFICER:** Lauren McNeil**DATE** 07/03/2023
REGISTERED:**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

To ensure the same process of appeal is available for both the application for full planning permission and listed building consent.

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal and Enforcement Action

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.

National Planning Framework 4 (NPF4) was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.??

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 BACKGROUND

1.1 This application relates to a late 19th century Category C listed property located within the Pittenweem Conservation Area. The property is situated along Pittenweem Harbour and is set amongst a row of Category B and C listed buildings. The two-storey property, currently operating as a public house is externally finished with a traditional pitched pantile roof, natural stone wall to the main frontage and a rendered gable end wall fronting School Wynd.

1.2 This application seeks full planning permission for the retrospective painting of a full-size mural to the rendered gable side of the property.

1.3 The relevant planning history for the proposed site can be summarised as follows.

- 03/01698/EFULL: Extension to public house- Application Permitted with Conditions (July 2003)
- 03/01697/ELBC: Internal alterations and extension to public house - Application Permitted with Conditions (July 2003)
- 03/02571/EFULL: Re-tile roof- Application Permitted with Conditions (September 2003)
- 03/02572/ELBC: Re-tile roof- Application Permitted with Conditions (September 2003)
- 22/00376/ENF: Mural on gable wall (Property C listed in CA)- Case Closed as applications submitted (March 2023)

1.4 A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application. The following evidence was used to inform the assessment of this proposal.

- Google imagery (including Google Street View and Google satellite imagery),
- GIS mapping software,
- Site photographs provided by the applicant/agent, and
- Site photographs taken by the enforcement officer in relation to the earlier enforcement case (22/00376/ENF).

Therefore, it is considered the evidence and information available to the case officer is sufficient to determine the proposal.

2.0 ASSESSMENT

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

a) Impact on the Listed Building/Setting of Listed Buildings and the Character and Appearance of the Conservation Area

2.2 Impact on the Listed Building/Setting of Listed Buildings and the Character and Appearance of the Conservation Area

2.2.1 Policy 7 of NPF4 states development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

2.2.2 Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Historic Environment Scotland Managing Change in the Historic Environment: External Walls (2010), Pittenweem Conservation Area Appraisal and Conservation Area Management Plan (2013), Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area also apply in this respect.

2.2.3 Although Historic Environment Scotland's Guidance does not specifically refer to detailed paintwork, it advises that the application of paint to unpainted historic walls can cause considerable damage in the long term by preventing the evaporation of moisture from the underlying fabric. Where paint has been applied in the past and is harming the performance of a wall, careful removal is recommended, guided by expert advice.

2.2.4 Policy 1 Part B of the Adopted FIFEplan (2017) states development proposals must safeguard the characteristics of the historic environment. Policy 14 states that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage the character or special appearance of a conservation area, and its setting having regard to Conservation Area Appraisals and associated management plans, and listed buildings or their setting, including structures or features of special architectural or historic interest.

2.2.5 The Pittenweem Conservation Area Appraisal and Conservation Area Management Plan (2013) states that 'within the conservation area numerous intersecting cross wynds link the High Street and the harbour areas and create a grid pattern. These are important historic features which add much to the character of the conservation area'.

2.2.6 Objections received raised concerns regarding the subject matter, design/style of image, colours used, size, the proposals impact on the visual character of the conservation area, impact on visual amenity, and the historical relevance/accuracy.

2.2.7 In assessing the proposal, Fife Council's Built Heritage Team were consulted and advised the following:

- The imagery is based on historically inaccurate false narratives perpetuated by popular media.
- The mural is not only inaccurate but also gaudy in its use of colour and stylization.
- The mural extends over the entire gable wall and does nothing to enhance the conservation area or the listed building, therefore the proposal is in contravention of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, National Planning Framework 4, and the Adopted FIFEplan (2017).

As such, Fife Council's Built Heritage Team advised they do not support this application.

2.2.8 In order to fully assess the impact of the proposal, consideration must be given to the important contribution the property makes to the historic setting of the conservation area, the location within the wider harbour setting and its proximity to other Category B and C listed buildings. Whilst it is noted that the mural is located on the south-west gable elevation of the property, as opposed to the main principal elevation, the mural is visible from the public road (Mid Shore) albeit from an obscured angle and would front School Wynd which as noted above is a key historic feature which adds to the character of the conservation area. School Wynd is an established through route between the Harbour and the High Street, two of the key character areas and areas attracting the most footfall/activity within the conservation area as detailed within The Pittenweem Conservation Area Appraisal and Conservation Area Management Plan; 'Activity and movement within the conservation area is centred mainly on the harbour and the fish market and the High Street and the routes between.' As such, it is considered the mural is situated in a prominent location along a busy side street. The mural covers a large expanse of the gable wall and would extend almost the full height of the gable which within the context of the narrow wynd is considered to be overbearing and inappropriate.

2.2.9 Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area advises 'In listed buildings you must use historically correct external painted finishes in a manner which is appropriate to the building.' The gable wall appears to already have been harled and the agent has confirmed that water-based masonry paints were used therefore it is considered the mural would not have a significant detrimental impact on the fabric of the listed building. However, The Pittenweem Conservation Area Appraisal and Conservation Area Management Plan details that 'colours used should be restrained as intense colours were historically not generally available' therefore the bold, dark colours of the mural would be considered historically inappropriate. Moreover, the colours used are not in keeping with the muted colour palette of the listed building or the neighbouring property (1 School Wynd) therefore the proposal creates a disjointed visual appearance. Furthermore, given the subjective nature of art it is considered that in this instance the mural design would introduce an alien concept which although may bear some historical significance to the wider Pittenweem area, does not bear any historical significance to the listed property and would appear incongruous within the context of the surrounding area which is predominantly traditional in character and appearance.

2.2.10 In light of the above, the proposal would not be considered acceptable as it would have a significant detrimental impact on the character and appearance of the Pittenweem Conservation Area and the setting of the Category B listed building. As such, the proposal would not be in compliance with Policy 7 of NPF4, Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area.

CONSULTATIONS

Built Heritage, Planning Services

Community Council

Fife Council's Built Heritage Team do not support this application.
Pittenweem Community Council object, raising concerns regarding the subject matter, size, design, and the visual impact of the proposal.

REPRESENTATIONS

13 letters of objection were received raising concerns regarding the subject matter, design/style of image, colours used, size, the proposals impact on the visual character of the conservation area, impact on visual amenity, and the historical relevance/accuracy. These matters have been addressed within Section 2.2.8 of this report of handling.

CONCLUSIONS

The proposal would not be considered acceptable as it would have a significant detrimental impact on the character and appearance of the Pittenweem Conservation Area and the setting of the Category B listed building. As such, the proposal would not be in compliance with Policy 7 of NPF4, Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area. Therefore, given the retrospective nature of works, committee agreement to pursue enforcement would be required. Recommended enforcement action would involve the removal of the mural using appropriate sensitive best conservation methods within a reasonable timeframe.

RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of preserving the character and appearance of the conservation area and setting of the listed building; the proposal by virtue of its location, size, colour and design would have a significant detrimental impact on the character and appearance of the Pittenweem Conservation Area and the setting of the Category B listed building. As such, the proposal would not be in compliance with Policy 7 of Adopted National Planning Framework 4 (2023); Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017); and Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area.

and

That the appropriate enforcement action be taken with respect to the unauthorised activity and that this action be agreed under the Head of Planning Service delegated powers.

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 Guidance

Historic Environment Policy for Scotland (2019)

Historic Environment Scotland Managing Change in the Historic Environment: External Walls (2010)

Development Plan

National Planning Framework 4: Adopted (February 2023)

The Adopted FIFEplan Local Development Plan (2017)

Other Guidance

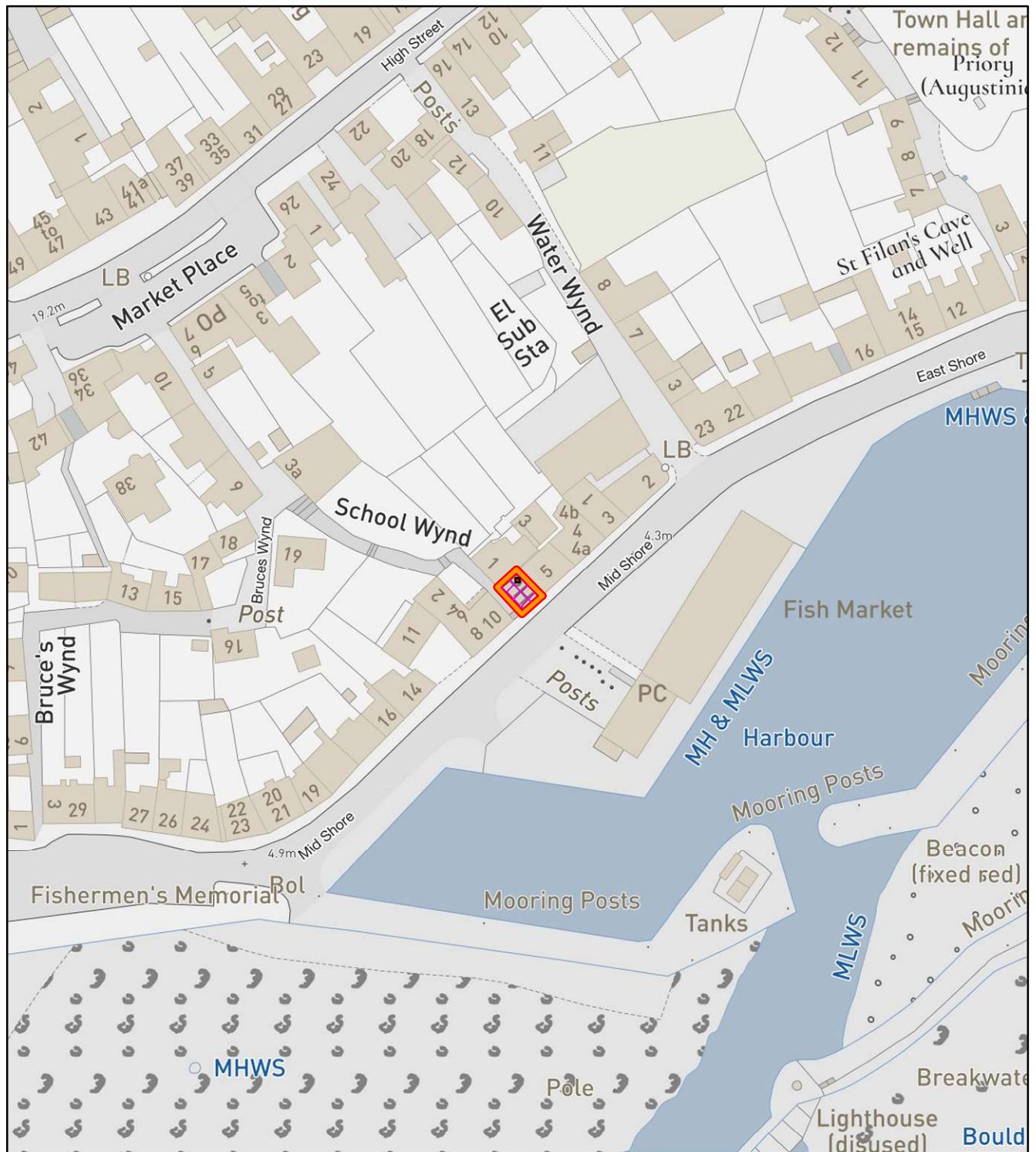
Pittenweem Conservation Area Appraisal and Conservation Area Management Plan (2013)

Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area

Report prepared by Lauren McNeil (Graduate Planner)

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 22/5/23.

Date Printed 28/04/2023



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ITEM NO: 7**APPLICATION FOR LISTED BUILDING CONSENT REF: 23/00528/LBC****SITE ADDRESS: 6 MID SHORE PITTENWEEM ANSTRUTHER****PROPOSAL : LISTED BUILDING CONSENT FOR PAINTED MURAL TO SIDE OF BUILDING (RETROSPECTIVE)****APPLICANT: MR ALLAN ADEY
6 MID SHORE PITTENWEEM ANSTRUTHER****WARD NO:** W5R19
East Neuk And Landward**CASE OFFICER:** Lauren McNeil**DATE** 08/03/2023
REGISTERED:**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

To ensure the same process of appeal is available for both the application for full planning permission and listed building consent.

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal and Enforcement Action

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Under Section 14(2) 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.

National Planning Framework 4 (NPF4) was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 BACKGROUND

1.1 This application relates to a late 19th century Category C listed property located within the Pittenweem Conservation Area. The property is situated along Pittenweem Harbour and is set amongst a row of Category B and C listed buildings. The two-storey property, currently operating as a public house is externally finished with a traditional pitched pantile roof, natural stone wall to the main frontage and a rendered gable end wall fronting School Wynd.

1.2 This application seeks listed building consent for the retrospective painting of a full-size mural to the rendered gable side of the property.

1.3 The relevant planning history for the proposed site can be summarised as follows.

- 03/01698/EFULL: Extension to public house- Application Permitted with Conditions (July 2003)
- 03/01697/ELBC: Internal alterations and extension to public house - Application Permitted with Conditions (July 2003)
- 03/02571/EFULL: Re-tile roof- Application Permitted with Conditions (September 2003)
- 03/02572/ELBC: Re-tile roof- Application Permitted with Conditions (September 2003)
- 22/00376/ENF: Mural on gable wall (Property C listed in CA)- Case Closed as applications submitted (March 2023)

1.4 A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application. The following evidence was used to inform the assessment of this proposal.

- Google imagery (including Google Street View and Google satellite imagery),
- GIS mapping software,
- Site photographs provided by the applicant/agent, and
- Site photographs taken by the enforcement officer in relation to the earlier enforcement case (22/00376/ENF).

Therefore, it is considered the evidence and information available to the case officer is sufficient to determine the proposal.

2.0 ASSESSMENT

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

a) Impact on the Character and Setting of the Listed Buildings

2.2 Impact on the Character and Setting of the Listed Buildings

2.2.1 Policy 7 of NPF4 states development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

2.2.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Historic Environment Scotland Managing Change in the Historic Environment: External Walls (2010), Pittenweem Conservation Area Appraisal and Conservation Area Management Plan (2013), Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area also apply in this respect.

2.2.3 Although Historic Environment Scotland's Guidance does not specifically refer to detailed paintwork, it advises that the application of paint to unpainted historic walls can cause considerable damage in the long term by preventing the evaporation of moisture from the underlying fabric. Where paint has been applied in the past and is harming the performance of a wall, careful removal is recommended, guided by expert advice.

2.2.4 Policy 1 Part B of the Adopted FIFEplan (2017) states development proposals must safeguard the characteristics of the historic environment. Policy 14 states that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage the character or special appearance of a conservation area, and its setting having regard to Conservation Area Appraisals and associated management plans, and listed buildings or their setting, including structures or features of special architectural or historic interest.

2.2.5 The Pittenweem Conservation Area Appraisal and Conservation Area Management Plan (2013) states that 'within the conservation area numerous intersecting cross wynds link the High Street and the harbour areas and create a grid pattern. These are important historic features which add much to the character of the conservation area'.

2.2.6 Objections received raised concerns regarding the subject matter, design/style of image, colours used, size, the proposals impact on the visual character of the conservation area, and the historical relevance/accuracy. Matters relating to the proposals impact on the character of the conservation area shall be addressed within the corresponding application for full planning permission.

2.2.7 In assessing the proposal, Fife Council's Built Heritage Team were consulted and advised the following:

- * The imagery is based on historically inaccurate false narratives perpetuated by popular media.
- * The mural is not only inaccurate but also gaudy in its use of colour and stylization.

* The mural extends over the entire gable wall and does nothing to enhance the conservation area or the listed building, therefore the proposal is in contravention of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, National Planning Framework 4, and the Adopted FIFEplan (2017).

As such, Fife Council's Built Heritage Team advised they do not support this application.

2.2.8 In order to fully assess the impact of the proposal, consideration must be given to the important contribution the property makes to the historic setting of the conservation area, the location within the wider harbour setting and its proximity to other Category B and C listed buildings. Whilst it is noted that the mural is located on the south-west gable elevation of the property, as opposed to the main principal elevation, the mural is visible from the public road (Mid Shore) albeit from an obscured angle and would front School Wynd which as noted above is a key historic feature which adds to the character of the conservation area. School Wynd is an established through route between the Harbour and the High Street, two of the key character areas and areas attracting the most footfall/activity within the conservation area as detailed within The Pittenweem Conservation Area Appraisal and Conservation Area Management Plan; 'Activity and movement within the conservation area is centred mainly on the harbour and the fish market and the High Street and the routes between.' As such, it is considered the mural is situated in a prominent location along a busy side street. The mural covers a large expanse of the gable wall and would extend almost the full height of the gable which within the context of the narrow wynd is considered to be overbearing and inappropriate.

2.2.9 Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area advises 'In listed buildings you must use historically correct external painted finishes in a manner which is appropriate to the building.' The gable wall appears to already have been harled and the agent has confirmed that water-based masonry paints were used therefore it is considered the mural would not have a significant detrimental impact on the fabric of the listed building. However, The Pittenweem Conservation Area Appraisal and Conservation Area Management Plan details that 'colours used should be restrained as intense colours were historically not generally available' therefore the bold, dark colours of the mural would be considered historically inappropriate. Moreover, the colours used are not in keeping with the muted colour palette of the listed building or the neighbouring property (1 School Wynd) therefore the proposal creates a disjointed visual appearance. Furthermore, given the subjective nature of art it is considered that in this instance the mural design would introduce an alien concept which although may bear some historical significance to the wider Pittenweem area, does not bear any historical significance to the listed property and would appear incongruous within the context of the surrounding area which is predominantly traditional in character and appearance.

2.2.10 In light of the above, the proposal would not be considered acceptable as it would have a significant detrimental impact on the character and setting of the Category B listed building. As such, the proposal would not be in compliance with Policy 7 of NPF4, Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area.

CONSULTATIONS

Historic Environment Scotland
Built Heritage, Planning Services

We have no locus in this particular case.
Fife Council's Built Heritage Team do not support this application.

Community Council

Community Council object raising concerns regarding the subject matter, size, design, the visual impact of the proposal, and the impact on the conservation area.

REPRESENTATIONS

8 letters of objection were receiving raising concerns regarding the subject matter, design/style of image, colours used, size, the proposals impact on the visual character of the conservation area, and the historical relevance/accuracy. Matters relating to the proposals impact on the character of the conservation area shall be addressed within the corresponding application for full planning permission. All other matters have been addressed within section 2.2.8 of this report of handling.

CONCLUSIONS

The proposal would not be considered acceptable as it would have a significant detrimental impact on the character and setting of the Category B listed building. As such, the proposal would not be in compliance with Policy 7 of NPF4, Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area. Therefore, given the retrospective nature of works, committee agreement to pursue enforcement would be required. Recommended enforcement action would involve the removal of the mural using appropriate sensitive best conservation methods within a reasonable timeframe.

RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of preserving the character and appearance of this Statutory 'B' Listed Building; the proposal by virtue of its location, size, colour and design would have a significant detrimental impact on the character and appearance of the Category B listed building. As such, the proposal would not be in compliance with Policy 7 of Adopted National Planning Framework 4 (2023); Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017); and Fife Council's Guidance on Painting the Exterior of a Listed or Unlisted Building in a Conservation Area.

and

That the appropriate enforcement action be taken with respect to the unauthorised activity and that this action be agreed under the Head of Planning Service delegated powers.

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Report prepared by Lauren McNeil (Case Officer and Graduate Planner)

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 22.5.23.

Date Printed 28/04/2023

6 Mid Shore Pittenweem Anstruther Fife KY10 2NJ

