

North East Planning Committee

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



Wednesday, 9th February, 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 12th January, 2022. 3 – 6
4. **20/02818/FULL - THE POFFLE, SUNNYSIDE, STRATHKINNESS** 7 – 19
Erection of dwellinghouse with associated access and parking.
5. **21/01491/FULL - 150 NORTH STREET, ST ANDREWS** 20 – 27
Change of use from private garden to outdoor seating area including siting of coffee kiosk and installation of replacement gate.
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 27th December, 2021 to 23rd January, 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.

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2nd February, 2022

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THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING

12th January, 2022

1.30 p.m. – 4.15 p.m.

- PRESENT:** Councillors Donald Lothian (Convener), Tim Brett, Bill Connor, John Docherty, Andy Heer, Linda Holt, Jane Ann Liston, David MacDiarmid, Karen Marjoram, Tony Miklinski, Bill Porteous, Jonny Tepp and Ann Verner.
- ATTENDING:** Alastair Hamilton, Service Manager - Development Management, Economy, Planning & Employability Services; Steven Paterson, Solicitor; and Diane Barnett, Committee Officer, Legal & Democratic Services.
- APOLOGY FOR ABSENCE:** Councillor Brian Thomson.

326. DECLARATIONS OF INTEREST

Councillor Heer declared an interest in Para 329. - '21/02110/PPP - Land between Millflat and Leckiebank Road, Auchtermuchty' - having been present at a Community Council meeting at which the developer gave a presentation on the proposed development. However, having applied the objective test, Councillor Heer decided his interest was not significant as he had not expressed an opinion on the proposed development, therefore, would remain and participate in the meeting.

Councillor Lothian declared an interest in Para. 329. - '21/02110/PPP - Land between Millflat and Leckiebank Road, Auchtermuchty' - having also been present at the Community Council meeting attended by Councillor Heer, however, Councillor Lothian was personally acquainted with a number of the objectors.

Councillor Lothian also declared an interest in Para. 330. - 21/03220/FULL - Cottage, Pillars of Hercules, Falkland' - as he was personally acquainted with the applicant and a number of the objectors.

327. MINUTE

The Committee considered the minute of meeting of the North East Planning Committee of 15th December, 2021.

Decision

The Committee agreed to approve the minute.

328. 20/02315/FULL - 73 TAY STREET, NEWPORT ON TAY, FIFE

The Committee considered a report by the Head of Planning relating to an application for the erection of a garage and self-contained accommodation.

Decision/

Decision

The Committee:-

- (1) agreed to refuse the application on the grounds that the proposed development did not comply with:
 - (a) Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; Historic Environment Scotland Policy Statement (2019); Historic Environment Scotland's Managing Change in the Historic Environment; Historic Environment Scotland – New Design in the Historic Setting (2010); Scottish Planning Policy (Valuing the Historic Environment (2014); Policies 1, 10 and 14 of the Adopted FIFEplan (2017); Making Fife's Places Supplementary Planning Guidance (2018); and the Newport-on-Tay Conservation Area Appraisal and Management Plan (2017) - in the interests of protecting the character, setting and appearance of the designated Newport-on-Tay Conservation Area and surrounding historic environment by virtue of its inappropriate design, form, scale and choice of materials together with its detrimental visual impact on the designated conservation area, streetscape, prevailing pattern of development and historic environment due to its form, design and choice of materials; and
 - (b) Scottish Planning Policy (2014); Policies 1, 10 and 14 of the Adopted FIFEplan (2017); and Making Fife's Places Supplementary Guidance (2018) - in the interests of protecting visual amenity having regard to its scale, massing and design resulting in an overdevelopment of the application site as well as having a character and appearance not in keeping with the surrounding area/streetscape. Further, it was considered that the Application Proposal did not make a positive contribution to the surrounding townscape, immediate environment and built environmental quality by virtue of its form, scale, design and choice of materials; and
- (2) to delegate to the Head of Planning, 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 Porteous joined the meeting following consideration of the above item.

Prior to consideration of the following 2 items, Councillor Lothian, having declared an interest, left the meeting at this point and Councillor Verner, Vice-Convener took the Chair.

329. 21/02110/PPP - LAND BETWEEN MILLFLAT AND LECKIEBANK ROAD, AUCHTERMUCHTY

The Committee considered a report by the Head of Planning relating to an application for planning permission in principle for a residential development of 15 dwellinghouses, formation of new vehicular accesses and associated works.

Motion/

Motion

Councillor MacDiarmid, seconded by Councillor Holt, moved to refuse the application on the grounds that the proposed development did not comply with Scottish Planning Policy (2014), Policies 1 and 3 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018), on the basis that the proposed development would result in increased levels of traffic on the surrounding road network which would have a detrimental impact on road safety.

Amendment

Councillor Porteous, seconded by Councillor Miklinski, moved as an amendment to approve the application subject to the 8 conditions and for the reasons detailed in the report; and the conclusion of a planning obligation relating to the provision of an affordable housing contribution.

Roll Call Vote

For the motion - 4 votes

Councillors Heer, Holt, Marjoram and MacDiarmid.

For the amendment - 8 votes

Councillors Brett, Connor, Docherty, Liston, Miklinski, Porteous, Tepp and Verner.

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

Decision

The Committee agreed:-

- (1) to approve the application subject to the 8 conditions and for the reasons detailed in the report and following the conclusion of a planning obligation relating to the provision of an affordable housing contribution; and
- (2) that authority was delegated to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement necessary to secure the planning obligation.

The Committee adjourned at 3.20 p.m.

The Committee reconvened at 3.25 p.m.

330. 21/03220/FULL - COTTAGE, PILLARS OF HERCULES, FALKLAND

The Committee considered a report by the Head of Planning relating to the formation of an access road, junction and car parking with associated landscaping, SUDS and erection of information hut (Section 42 Application to vary Condition 1 of 19/02723/FULL to reduce visibility splay from 6m to 3m).

Decision/

Decision

The Committee agreed to refuse the Section 42 application to vary condition one of planning permission 19/02723/FULL, to reduce the visibility splay from 6m to 3m, in the interests of road safety.

Councillor Lothian re-joined the meeting prior to consideration of the following item and Councillor Verner left the meeting at this time.

331. 21/00692/FULL - THE INN AT KINGSBARNES, 5 MAIN STREET, KINGSBARNES

The Committee considered a report by the Head of Planning relating to an application for external alterations including installation of a dormer extension, rooflights, extraction vents, flue, bay window with patio doors and replacement windows and doors.

Decision

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

332. 21/00694/LBC - THE INN AT KINGSBARNES, 5 MAIN STREET, KINGSBARNES

The Committee considered a report by the Head of Planning relating to Listed Building Consent for internal and external alterations including installation of a dormer extension, rooflights, extraction vents, flue, bay windows with patio doors and replacement windows and doors.

Decision

The Committee agreed to approve the application unconditionally.

333. 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 29th November to 26th December, 2021

ITEM NO: 4**APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02818/FULL****SITE ADDRESS: THE POFFLE SUNNYSIDE STRATHKINNESS****PROPOSAL : ERECTION OF DWELLINGHOUSE WITH ASSOCIATED
ACCESS AND PARKING****APPLICANT: MR KEVIN SEMPLE
THE POFFLE SUNNYSIDE STRATHKINNESS****WARD NO:** W5R18
St. Andrews**CASE OFFICER:** Kerry Gibson**DATE** 14/01/2021
REGISTERED:**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

There have been more than 5 letters of objection received, contrary to the officer's 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.

A physical site visit has not been undertaken. All necessary information has been 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.

1.0 BACKGROUND

1.1 This application relates to a flat, irregular shaped area of land (approx. 419 sqm) to the West of The Poffle, Sunnyside. The area is currently unused and would have originally formed part of the private garden ground for The Poffle- a single storey dwellinghouse. The application site is located within a primarily residential area of the settlement of Strathkinness; as defined in the Adopted FIFEplan Fife Local Development Plan (2017). The site is bound by a 1m high retaining wall to the north, two storey houses to the north and north west, a single storey house to the east and a private access road to the south. The surrounding houses are of varying architectural forms and styles. The site is accessed via an unmade single-track private access that leads off the junction with Sunnyside. The private access/Sunnyside junction currently serves five houses however one of these do not use the full length of the lane- only the bell mouth. Neither the bell mouth nor access road have been adopted by Fife Council.

1.2 This application seeks full planning permission for the erection of dwellinghouse with associated access and parking.

1.3 The proposed house would be a modern style, would be 1.5 storeys and would occupy a footprint of 70 sqm. It would have a ridge height of approximately 6.2m and would be finished with white rendered/ larch clad walls, uPVC windows and a pitched roof with grey concrete rooftiles. It is also proposed to form a parking area/driveway for two cars as well as to widen the access road to create a passing place.

1.4 Relevant planning history:

1.5 An application (18/02816/FULL) for the 'erection of a dwellinghouse with associated access and parking' was refused by committee on the 10th July 2019- the case officer had previously recommended approval with conditions. An appeal (PPA-250-2332) to the Scottish Ministers was then submitted and dismissed on 17th December 2019. The reasons for refusing planning permission were based on road safety and amenity (overdevelopment).

1.6 The Reporter considered that the current access serves 5 houses (5th only uses the bell mouth not the access road) and is unadopted. As a result of this, the new house would take the number of houses served by the bell mouth to six houses which would require road construction consent and a road bond. It was considered that given the condition and nature of the road and the increase in use that the proposal would be detrimental to road safety. This was because the road was in a poor condition and that the appellant was not in full control of it in order to guarantee improvements. In addition, there was a concern that the lane is single track with no passing places which the Reporter considered would make it impossible for cars to pass each other and may mean that vehicles would need to reverse out the junction onto Sunnyside.

1.7 The Reporter also concluded that there could be overlooking of the rear gardens and windows of those houses to the north however that these windows are not for main rooms and therefore any impact could be mitigated by the installation of opaque glass on this elevation.

1.8 Finally, it was also considered by the Reporter that the proposal could constitute overdevelopment of a small site. This was because the proposed house would be sited in an irregularly shaped garden with the garden space split into a series of triangular spaces. It would also be sited close to The Poffle and the access lane. This would mean vehicles accessing the other properties on the lane would need to pass closely to the new house which could have an impact on amenity.

1.9 The reporter did agree that the proposal would exceed the requirements of 100sqm of useable garden ground (as set out within the council's guidance on garden ground) but that the requirements for the depths of the front and rear garden ground would not be fully met. It was considered that the triangular garden spaces, narrow front garden and raised area above retaining wall would reduce the amount of useable space and contribute to a sense of overdevelopment. Overall, it was considered that the layout and type of proposed garden space would not offer a compelling reason for overturning the concerns on road safety.

The current proposal has considered the reporter's reasons for refusal and has sought to address these to provide an acceptable solution.

2.0 POLICY ASSESSMENT

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

- Principle of Development
- Transportation
- Design and Visual Impact
- Residential Amenity
- Garden Ground
- Drainage
- Low Carbon

2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 The Scottish Government's Scottish Planning Policy (SPP) (2014) and Policies 1 and 2 of the Adopted FIFEplan - Fife Local Development Plan (2017) apply regarding the principle of the development.

2.2.2 The Scottish Planning Policy 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.

2.2.3 Policy 1, Part A, of 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 2 of FIFEplan supports the development of unallocated sites for housing provided they do not prejudice the housing land supply strategy of the Local Development Plan and proposals comply with the policies for the location.

2.2.4 The principle of residential development is established as the site is located within the Strathkinness settlement boundary (FIFEplan, 2017). The proposed development is deemed to be suitable for its location and is therefore considered to be 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.

2.3 TRANSPORTATION

2.3.1 Policies 1 and 3 of FIFEplan (2017) and Making Fife's Places - Transportation Development Management (TDM) Guidelines (2018) apply.

2.3.2 Policy 1 states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Meanwhile, Policy 3 advises that development must be designed in a manner that ensures safe access to transport, footpath and cycle links.

2.3.3 Making Fife's Places - Transportation Development Management Guidelines (2018) and associated transportation guidelines state that a driveway must have a minimum depth of 6 metres from the rear of the public footway. It also states that dwellings with 2 or 3 bedrooms must have at least two off street parking spaces.

2.3.4 Objections have been received which raise concerns regarding the impact of the development on road safety. These include comments on; parking provision, general road safety, the condition of the private access track and the number of dwellings being served by the private access. This was also a primary reason the previous proposal was refused at appeal (see section 1.4).

2.3.5 The existing access track serves 4 houses. The bell mouth serves 5 houses. Both are currently unadopted. The access track is single lane and is in a poor state of repair. Fife Council's Transportation Development Management (TDM) have been consulted and have recommended refusal. This is because, if approved, the proposal would result in the intensification of an existing private access which would serve more than the Fife Council 5 house maximum and is therefore unsuitable for further intensification. Within the previous application the reporter also expressed concerns regarding the poor state of the road and the lack of passing places.

2.3.6 Since then, the applicant has sought to address these issues. It is now proposed to widen part of the private access track to create a passing place. In addition to this, it has now been evidenced that the applicant has purchased the land including the private access track and therefore is now able to undertake the necessary improvements to the road. Fife Council's TDM officer has agreed that this would resolve part of the road safety concern however there is still a concern regarding the bell mouth junction. The applicant has been unable to evidence that they own right up to and including the bell mouth. Fife Council records also show that this bell mouth is unadopted. As such, the concerns previously raised by the planning committee and the Reporter have still not been fully addressed. Despite this, it is considered that the bell mouth itself is in a good state of repair and that if further improvements are made to the track and junction that there would be no significant detrimental impact to road/pedestrian safety. The applicant has agreed to undertake repair works which would bring the road up to a good standard. A condition has been added to secure these improvements and to ensure that they are retained for the lifetime of the development. Concerns have been raised regarding the future maintenance of the widened part of the road. The attached conditions ensure that this part of the road is maintained and that it cannot be reformed as part of the curtilage of the houses. As such, the proposal is considered to comply with policies 1 and 3 of FIFEplan2017 and Making Fife's places- Appendix G: Transportation Development Management Guidelines (2018).

2.3.7 The proposed house would have 2 bedrooms. Fife Council's Parking standards require 2 or 3 bedroom dwellings to have a minimum of 2 off street parking space. The submitted block plan demonstrates that the provision of these spaces with a turning area could be achieved.

2.3.8 Although the proposal may not fully comply with policies 1 and 3 of FIFEplan2017 and Making Fife's places- Appendix G: Transportation Development Management Guidelines (2018) it is considered that sufficient amendments have been made to mitigate any significant negative impacts and that on balance the proposal would be acceptable.

2.4 DESIGN/VISUAL IMPACT

2.4.1 Policies 1 and 10 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018) apply.

2.4.2 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. Policy 10 advises development will be supported where it does not have a significant detrimental impact on the amenity of existing land uses including in relation to the visual impact of the development on the surrounding area.

2.4.3 The proposed development is for the erection of a 1.5 storey dwellinghouse which would occupy a footprint of 70sqm- the previously refused proposal (18/02816/FULL) was for a 1.5 storey house which occupied a footprint of 95 sqm. Objections have been received which raise concerns that the proposed house would constitute overdevelopment and that it would be detrimental to visual amenity. Whilst the house would be fully visible from most neighbouring houses it would not be visible from the main public street. In addition, the surrounding houses feature a mix of architectural forms and styles with the neighbouring houses to the north/ north west being terraced, modern, two storey houses and the neighbouring house to the west being traditional and single storey. The proposed house would be finished using modern materials and the use of larch cladding would complement the recent modern extensions at The Poffle (east). Although, it is recognised that the proposed plot is compact it is considered that given the mix of single/two storey houses within the area, varied pattern of development and the fact the house would be discreetly positioned that it would have no significant adverse impact on the appearance of the area and would be typical as part of the mixed character of the area. The style, massing and finishing materials would complement the neighbouring dwellings and would preserve the appearance of the surrounding area. The concerns regarding overdevelopment are discussed further within section 2.5 (Garden Ground) of this report.

2.4.4 In light of the above, it is considered that the proposed house would respect the mix in form and style of the existing buildings and surrounding area and would be of a suitable design, scale, mass all in compliance with FIFEplan (2017) and its associated guidance.

2.5 RESIDENTIAL AMENITY

2.5.1 Planning Advice Note (PAN) 1/2011 - Planning and Noise, Policies 1 and 10 of FIFEplan (2017); British Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011); Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distances between Window Openings (2011) all apply in this respect.

2.5.2 Policy 10 of FIFEplan (2017) states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the loss of privacy, sunlight and daylight. Further to this, new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected.

2.5.3 Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) advise that all new development, including extensions, should be designed to minimise overshadowing of neighbouring properties and that Fife Council will not support extensions or any new development that would result in the loss of sunlight leading to overshadowing for the majority of the day.

2.5.4 Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

Privacy:

2.5.5 The closest neighbouring windows to the north would be approximately 14m away. Considering the previous application, the Reporter expressed some concerns regarding potential overlooking to these houses. The proposal has been updated and it is now proposed to install obscure glazing to the windows on this elevation. As such, given the houses to the north are on a slightly raised area of land, new facing windows would be obscurely glazed, would not serve main rooms and that the back gardens would be separated by 1.8m high timber fencing it is considered that there would be no significant loss of privacy to the garden ground or windows of these properties. A condition has been proposed to ensure the windows are obscurely glazed in perpetuity. Similarly, the closest neighbouring windows to the south (The Paddock) would be 13m away however due to the angle of the windows and 4m high hedging there would be no significant detrimental impact on privacy. The rear garden areas of The Poffle and the new house would also be separated by 2m high boundary fencing.

Sunlight:

2.5.6 Objections have been received which raise concerns regarding a loss of sunlight on garden ground to neighbouring houses. The principal elevation of the proposed dwellinghouse would be south facing. When considering the path of the sun throughout the day, there is potential for neighbouring garden ground areas to the west, north and east to be overshadowed. When considering properties located on Sunnyside, the centre point of the closest garden would be located approximately 9m from the proposed development. It is considered that any potential overshadowing that may occur, would be restricted to a small area of the southern part of the gardens at limited times throughout the day. Each garden area must receive at least 2 hours of sunlight per day, and it is considered that this would still be achieved for neighbours to the north. Similarly, when considering garden ground serving The Poffle, any overshadowing that may occur would be restricted to the western boundary during mid-late evening. This garden is large enough so that any overshadowing is considered to be not significant and therefore not detrimental to the overall residential amenity and enjoyment of the property.

Daylight:

2.5.7 The closest neighbouring windows to the north are approximately 14m to the north of the application site. Due to the proximity of windows and the orientation of the dwellings it is considered that there would be no significant detrimental impact on loss of daylight to windows. The other neighbouring dwellings are all located far enough away that loss of daylight to windows would not be a concern. In addition, as part of the previous application (18/02816/FULL) for a similar proposal a 25° assessment was undertaken for windows located at ground floor level on the southern elevations of properties located on Sunnyside (specifically No's. 29 and 31 Sunnyside). This assessment showed that a 25-degree line drawn from the southern elevation of No's. 29 and 31 Sunnyside would not intercept the proposed development. It was also noted that these properties both have conservatories/sunrooms to the rear. Due to the extent of the glazing and distance between the houses there would be no significant loss of daylight to neighbouring windows.

Noise:

2.5.8 Objections have been received which raise concerns regarding disruption from construction noise as well as noise from 'The Poffle' being used as an Air BnB. There is also a concern that proposed house would be used as an Air BnB.

2.5.9 Fife Council's Environmental Health officer has been consulted and has no objections. It is considered that whilst there may be some noise during construction that this would not lead to a significant detrimental impact on amenity. This noise would be temporary and would finish once construction has also finished. Further to this, the applicant has applied for a Class 9 dwellinghouse, and no reference has been made to a future use of either the proposed or 'The Poffle' as an Air BnB. As such, this has not been assessed as part of this application. A new licensing scheme will come into force through other legislation which will require short term holiday lets to require a licence to operate. As such, given that the site is within an established residential area and that the proposal is for an additional dwelling it is considered there would be no significant additional concerns in relation to noise.

2.5.10 In light of the above it is considered that the proposed development is acceptable and would have no significant detrimental impact on neighbouring properties in relation to privacy, daylight, sunlight and noise. As such, the proposal is considered to comply with FIFEplan (2017) and its associated guidance.

2.6 GARDEN GROUND

2.6.1 Fife Council's Planning Customer Guidelines on Garden Ground (2016) apply regarding Garden Ground.

2.6.2 Fife Council's Planning Customer Guidelines on Garden Ground (2016) advise that all new detached and semi-detached dwellings should be served by a minimum of 100 square metres of private useable garden space and that a building footprint of 1:3 will be required.

2.6.3 Objections have been submitted which consider the proposed development constitutes overdevelopment. This was also considered a reason for refusal within the previous appeal decision for a similar proposal. Since then, the size of the new dwelling has been reduced from 95sqm to 70sqm however the plot size has also been reduced from 550sqm to 400sqm. That

said, it is considered that the proposal would still comply with the 1:3 building footprint to plot ratio. Due to the irregular shape of the site, position of the house and the 1m high retaining wall this means that the private amenity space to the rear would be small. In this instance, it is also considered that the drying area to the west would form part of the useable garden ground. As such, the garden area to the west (64sqm) and the raised section to the north east of the site (36sqm) have been considered as useable amenity space and combined would meet the 100 sqm requirements. The Poffle would also retain approx. 225 sqm of garden ground.

2.6.4 The Reporter's previous concerns regarding front and rear garden depths and proximity of the house to the road remain. Although the new house would be set further back, the proposed widening of the access road to solve road safety issues would mean that cars would have to pass close by. Although the lack of a front garden could be viewed as contributing towards the sense of overdevelopment referenced in the previous decision, the proposal would still meet the garden ground criteria and building to plot ratio, it is also considered that the access road is relatively lightly trafficked. Further to this, the Reporter previously described the amenity spaces as piecemeal which could impact on the actual usability. Whilst this has been noted, it is considered that given the house would be compact and would only have 2 bedrooms that the existing garden space along with large driveway would be sufficient for the enjoyment of the house. A condition to which removes permitted development rights has also been added to mitigate against overdevelopment of the site.

2.6.5 In light of the above, it is considered that the proposal would comply with policies 1 and 10 of the Development Plan in relation to garden ground and would be acceptable.

2.7 DRAINAGE

2.7.1 Policies 1 and 12 of FIFEplan (2017), SPP (2020) and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021) apply.

2.7.2 SPP (2014) advises that developments should not place unacceptable demands on public infrastructure including drainage systems, developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SuDS) or other similar appropriate measures are not undertaken. Policy 12 of FIFEplan (2017) advises that development proposals will only be supported where they will not individually or cumulatively increase flooding or flood risk to a site. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021) requires all new development of over 50 sqm to provide a surface water management plan.

2.7.3 Objections have been received to state that the site is prone to flooding. This is not something that has been formally identified by SEPA and therefore no flood risk assessment is required. In addition, the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) requires that a Sustainable Drainage System (SuDS) is installed for all new developments where surface water discharges to ground or water to prevent pollution, with the exception of runoff from a single dwelling or discharge to coastal waters. As this application is for a single dwellinghouse, SuDS is not required, however surface water attenuation should be provided, unless written consent has been provided as part of the planning application to confirm that Scottish Water accept the surface water discharge from the development into their drainage system at the proposed discharge rate. Scottish Water have no objections. It is the responsibility of the developer/ applicant to provide a suitable means of dealing with wastewater. In this case the applicant proposes to connect to the public network and therefore the applicant is advised to

submit a Pre-Development Enquiry Form to Scottish Water for this. This is a separate consenting process. Previously the reporter for the previous proposal agreed that drainage infrastructure could be controlled by condition. A condition has been attached to this consent to ensure that surface water attenuation details are provided prior to the commencement of works.

2.7.4 In light of the above, it is considered the proposal would not have a significant detrimental impact on drainage and would comply with FIFEplan (2017) and other guidance.

2.8 LOW CARBON

2.8.1 SPP (2020) (paragraph 154), Policies 1 and 11 of FIFEplan (2017) and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply with regards to the low carbon requirements expected of this proposal. Fife Council's Low Carbon Fife Supplementary Guidance 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. In addition, planning applications are required to be supported by a Low Carbon Checklist to demonstrate compliance with Policy 11.

2.8.2 The applicant has submitted a low carbon checklist and from the submitted elevations it is noted that it is proposed to install solar panels. As such, this proposal would be deemed to comply with FIFEplan (2017) and other related guidance.

2.9 HOUSES IN MULTIPLE OCCUPATION

2.9.1 Policy 2 of the Adopted Local Plan stipulates that houses in multiple occupation (HMO) will not be supported if it is a new dwelling, unless purpose built for HMO use; or it is for the conversion of an existing building in an area where restrictions on HMOs are in place. A condition has been attached to this recommendation regarding this matter.

CONSULTATIONS

Scottish Water	No objections.
Environmental Health (Public Protection)	No objections.
Transportation, Planning Services	Recommend refusal. In the interests of road safety; if approved, the proposal would result in the intensification of an existing private access which already serves more than the Fife Council 5 house maximum and is therefore unsuitable for further intensification.

REPRESENTATIONS

A total of 7 objections and 1 support comment have been received. All material concerns have been addressed within the main body of the report. The key issues relate to transportation/ road safety (see paragraph 2.3), design/visual impact (see paragraph 2.4) and residential amenity (see paragraph 2.5).

Other non-material concerns that have been raised include:

- Making excessive profit
- Removal of wooded area may have caused subsidence to neighbouring property.
- Workman visible from their house whilst working from home.

Regarding financial related objections, these too are not material as fiscal arrangements operate independently from the planning system and are not controlled through land use planning. The removal of the trees would not have required planning permission and therefore is out with the remit of this application.

The comment of support acknowledges that the applicant has revised the proposal, the drainage issues would not be exacerbated by the proposal, upgrading of the road would resolve road safety concerns and that the proposal is in keeping with the larger context of the village. There would also be no excessive noise or overshadowing as a result of the development.

CONCLUSIONS

On balance, having taken all material considerations into account, the proposal is considered to be acceptable in meeting the terms of National Guidance, the Development Plan and other relevant guidance. The proposal is compatible with the area in terms of land use, design and scale and will not cause any significant detrimental impact to daylight/sunlight, privacy, noise, drainage or road safety.

RECOMMENDATION

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

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order revoking and re-enacting that Order) no development within Class 1A, 1B, 1C and Class 3A and 3B shall be undertaken within the curtilage of the approved dwellinghouse.

Reason: To ensure adequate control over future development on the site

2. PRIOR TO THE OCCUPATION of the approved dwellinghouse the access road (as detailed within the applicant's ownership) shall be upgraded. Further details of the proposed upgrading works, including resurfacing, shall be submitted for the prior written agreement of the planning authority. This work shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure the upgrading of the private access track.

3. PRIOR TO THE OCCUPATION of the approved dwellinghouse the access track shall be widened, and a passing place shall be formed as shown on the proposed site plan (Drawing no. 03). This shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure that cars can pass by each other safely.

4. Prior to the occupation of the proposed dwellinghouse, there shall be a total of 2 No. off street parking spaces provided within the curtilage of the site in accordance with the current Fife Council Transportation Development Guidelines. The parking spaces shall be retained throughout the lifetime of the development for the purposes of off street parking.

Reason: In the interest of road safety; to ensure the provision of adequate off-street parking facilities.

5. BEFORE ANY WORKS START ON SITE; full details of the required surface water attenuation shall be submitted to, and approved in writing by, Fife Council as Planning Authority. Thereafter, the development shall be carried out in the accordance with these approved details.

Reason: To ensure the development complies with Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021).

6. The hereby approved residential dwelling 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 two unrelated residents living together in a flat. For the avoidance of doubt the residential dwellings hereby approved shall not 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 Fife Plan (2017).

7. FOR THE AVOIDANCE OF DOUBT the windows on the rear elevation (north-west) of the dwellinghouse hereby approved shall be obscurely glazed for the lifetime of the development- unless otherwise agreed in writing with this Planning Authority.

Reason: In the interests of residential amenity to ensure no significant loss of privacy for 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 Guidance

Scottish Planning Policy (2014)

Historic Environment Scotland - Policy Statement (2019)

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

Planning Advice Note (PAN) 1/2011 - Planning and Noise

Development Plan

Adopted FIFEplan Local Development Plan (2017)

Low Carbon Fife Supplementary Guidance (2019)

Making Fife's Places – Supplementary Guidance (Transportation Development Management Guidelines (2018)

Other Guidance

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements(2021)

Fife Council's Planning Customer Guidelines on Garden Ground (2016)

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)

Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings (2011)

Report prepared by Kerry Gibson, Case officer.

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 31/1/22.

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Legend



Application Boundary

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Fife
COUNCIL

Economy, Planning & Employability Services

ITEM NO: 5

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 23/07/2021
REGISTERED:

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 site itself is located within the conservation area, core retail area of the town centre 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. Access to the site is taken via Greyfriars Gardens.

1.2 Planning permission is sought for change of use from private garden to outdoor seating area including siting of 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 Gardens 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. 3 timber benches are proposed within the site with a small lightweight converted former horsebox will be placed on site to serve coffees and snacks to guests of the hotel and 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 A physical site visit has not been undertaken. All necessary information has been 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. 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 Gardens.

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 comply with relevant town centre spatial frameworks. Figure 6.5 of Policy 6 states that in the core retail area of St Andrews, at ground floor level Use Classes 1,2,3 and 11 will be supported.

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 is now associated with a hotel rather than a residential property. Figure 6.5 of Policy 6 states that in the core retail area of St Andrews, at ground floor level Use Classes 1,2,3 and 11 will be supported. The application site itself is not part of a building therefore the proposed sui generis use is acceptable in this location. The proposed change of use from garden ground to outdoor seating area including siting of coffee kiosk is compatible with the surrounding mix of uses in this prime town centre location. This proposal will not have a detrimentally impact on the role and function of the core retail area of St Andrews and given the prime town centre location which has a mix of commercial and tourist related uses with a high footfall this location is suitable for this proposed use.

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.

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

2.2.6 It is therefore considered that in this instance the proposal complies with policy 6 and with the provisions of the Adopted FIFEplan (2017) policy 1, part b criterion 4.

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 within the core retail area of the defined St Andrews town centre boundary and is surrounded by a mixture of uses (hotels, bars, shops, hairdressers, flats, garden areas). 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 Gardens). The nearest residential properties sit to the rear of the application site and on the opposite side of Greyfriars Gardens. The applicant advises that the opening hours of the site will be 8am to 8pm April to October and 9am to 4pm November to March. A condition has been added limiting the operating hours to those specified. Given that the application area is located within the core retail area of St Andrews and is surrounded by pubs and restaurants that have night time opening hours the proposed opening hours of the site is 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.

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).

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 Gardens 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. The garden itself is not listed but forms part of the garden ground associated with 150 North Street. The application proposes to remove the existing timber fence on top of the stone wall that fronts onto Greyfriars Gardens 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 nature of and temporary nature of the structures 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.

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 open space which will be open to the public as set out in paragraph 2.3.3 so the public will have access to this area. With regards guideline 17, although development will take place and is compliant with the adopted FIFEplan, the proposed structures are moreover temporary in nature and of a small scale. The landscaped garden area will be retained, and no trees will be removed therefore it is considered that the proposal would not have a significant impact on 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 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 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. 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)

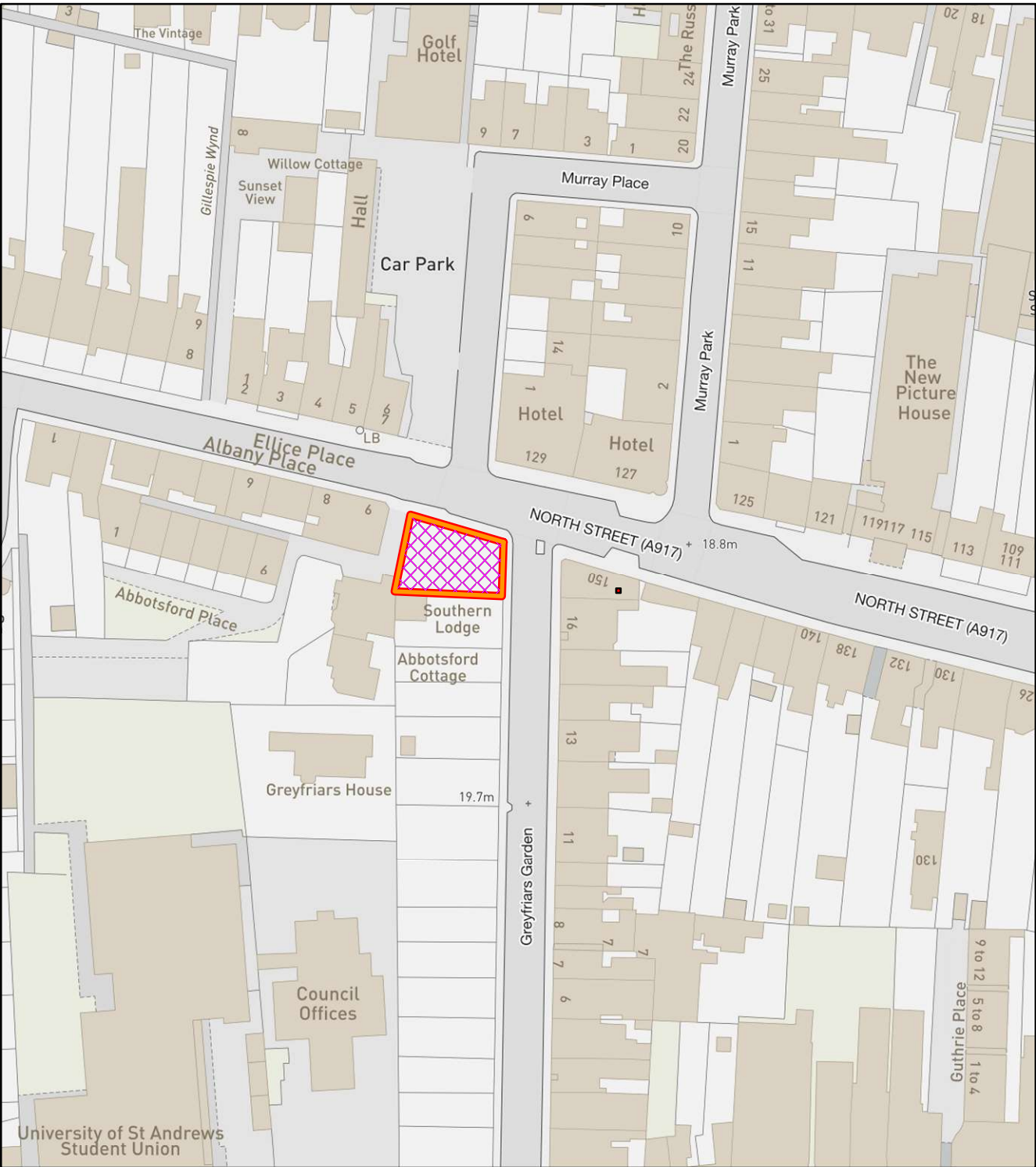
Report prepared by Scott McInroy, Planner Development Management

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 31/1/22.

Date Printed 12/01/2022

21/01491/FULL

150 North Street St Andrews



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Legend



Application Boundary



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