

North East Planning Committee

County Buildings, JP Court Room (CCB01.001) Cupar
(Blended Meeting)



Wednesday, 8th March, 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 8th February, 2023. 3 – 4
4. **22/00145/FULL - 5 ALEXANDRA PLACE, MARKET STREET, ST. ANDREWS** 5 – 13

External works including installation of new door and retaining wall.
5. **22/00144/LBC - 5 ALEXANDRA PLACE, MARKET STREET, ST. ANDREWS** 14 – 20

Listed Building Consent for external alterations including installation of new door and retaining wall.
6. **22/02806/FULL - 23 MELBOURNE PLACE, BRIDGE STREET, ST. ANDREWS** 21 – 27

Sub-division of flatted dwellinghouse (Sui Generis) to form two flatted dwellinghouses (Sui Generis).
7. **22/03281/FULL - 150 NORTH STREET, ST. ANDREWS** 28 – 38

Change of use from private garden to outdoor seating area including siting of coffee kiosk and installation of replacement gate.
8. **APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**

List of applications dealt with under delegated powers for the period 30th January to 26th February, 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

1st March, 2023

If telephoning, please ask for:
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Telephone: 03451 555555, ext. 442334; email: Diane.Barnet@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on
www.fife.gov.uk/committees

BLENDING 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 mute microphones and switch cameras off when not speaking. This includes during any scheduled breaks or adjournments.

THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING

8th February, 2023

1.00 p.m. – 2.30 p.m.

PRESENT: Councillors Jonny Tepp (Convener), Al Clark, Fiona Corps, Sean Dillon, Alycia Hayes, Gary Holt, Robin Lawson, Jane Ann Liston, Donald Lothian, David MacDiarmid and Ann Verner.

ATTENDING: Mary J Stewart, Service Manager - Major Business & Customer Service; Jamie Penman, Planner, Economy, Planning & Employability Services; Steven Paterson, Solicitor and Diane Barnet, Committee Officer, Legal & Democratic Services.

APOLOGIES FOR ABSENCE: Councillors Margaret Kennedy and Allan Knox.

62. DECLARATIONS OF INTEREST

No declarations of interest were submitted in terms of Standing Order No. 7.1.

63. MINUTE

The Committee considered the minute of the North East Planning Committee of 11th January, 2023.

Decision

The Committee agreed to approve the minute.

64. 22/02133/FULL - LAND TO THE EAST OF STATION COURT, PITTENWEEM

The Committee considered a report by the Head of Planning Services relating to an application for the erection of 29 affordable dwellings, associated infrastructure, works and landscaping.

Decision

The Committee agreed to approve the application subject to the 12 conditions and for the reasons detailed in the report.

65. 22/02143/FULL - LAND TO NORTH OF LAW VIEW, MAIN STREET, NEW GILSTON

The Committee considered a report by the Head of Planning Services relating to a retrospective application for the temporary change of use of an outbuilding to form living accommodation for a 12 month period.

Decision

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

66./

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

Decision

The Committee noted the lists of applications dealt with under delegated powers for the period 26th December, 2022 to 29th January, 2023.

ITEM NO: 4**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00145/FULL****SITE ADDRESS: 5 ALEXANDRA PLACE MARKET STREET ST ANDREWS****PROPOSAL: EXTERNAL WORKS INCLUDING INSTALLATION OF NEW DOOR AND RETAINING WALL****APPLICANT: GREENE KING
WESTGATE BREWERY BURY ST EDMUNDS UNITED KINGDOM****WARD NO: W5R18
St. Andrews****CASE OFFICER: Scott McInroy****DATE REGISTERED: 01/02/2022****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

more than 5 representations were received which are contrary to 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. 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.

The Scottish Government voted to approve National Planning Framework 4 on January 11, 2023, with it being formally adopted on February 13, 2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places and productive places.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The Adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

Having assessed the current application against the policy provisions of the Adopted NPF4 and the Adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.0 BACKGROUND

1.1 The application relates to the basement/ground floor of a three storey Category 'B' Listed Building situated within the St Andrews town centre, St Andrews Conservation Area and the settlement boundary as designated in the Adopted FIFEplan (2017). The application site operates as a pub and is located on a prominent position on the western end of Market Street and sits within an area that has a mixture of commercial uses at ground floor with residential above. The property is stone built with ashlar, bay windows, circled corner with slated spirelet and pedimented dormers and a slated roof.

1.2 This application is for external alterations including the installation of a new door, erection of a canopy and a retaining wall. Externally, a stonework retaining wall (600mm in height) is proposed that would sit 0.55m below and 0.5m away from the existing boundary wall. Planting would also be introduced in the space between the existing wall and proposed new retaining wall. Seven new low level warm white downlighting units would be added to the new retaining wall (0.45m from the finished floor level). The existing fire door that sits adjacent to the bay windows would be modified to include glazed panels and decorative ironmongery. The existing barrel delivery chute and drop area is proposed to be moved from the north side to the western side of the application site where the existing yard area is.

1.3 The proposed development would involve external structures being located in the outside terrace area associated with the public house. Third parties have raised concerns that this would constitute a change of use of the outside area associated with the public house to become a beer garden. Whilst these concerns are duly noted, Members should note that the outside area associated with the public house is included in their related approved licence and therefore the outdoor area has the benefit of being permitted for public house patrons to sit and consume food and alcoholic drinks under licence. On that basis, the outdoor use / beer garden aspect does not require the benefit of planning permission for a change of use. Therefore, the assessment of the planning application before Members does not require to consider the appropriateness of the use of the outdoor area but instead consider the acceptability or otherwise of the proposed structures in the outside terrace area in terms of design; impact on the built heritage and amenity matters etc. as outlined later in this report.

1.4 Planning history on this site is as follows;

- 00/00011/EFULL, Planning consent to repaint external doors, window frames and checks (excluding signage). Approved 2000.
- 00/00012/ELBC, Listed building consent to repaint external doors, window frames and checks and alter all existing signage. Approved 2000.
- 00/00082/EADV, Advertisement consent to alter existing externally illuminated fascia sign and 2 post signs. Approved 2000.
- 00/01400/ELBC, Listed building consent for internal alterations. Approved 2000.
- 00/02823/EFULL, Install external flue to rear elevation. Refused 2001.
- 00/02824/ELBC, Install external flue to rear elevation. Refused 2001.
- 02/01937/EADV, Display externally illuminated pole and fascia signs. Approved 2002.
- 02/01938/ELBC, Internal and external alterations to listed building (including illuminated signage). Approved 2003.
- 04/03635/EFULL, Form access ramp at entrance to building. Refused 2005.
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- 18/01665/LBC, Listed Building Consent for the display of two freestanding signs (one externally illuminated), two fascia signs (one externally illuminated) and one wall plaque. Approved 2018.
- 18/01666/ADV, Display of two freestanding signs (one externally illuminated), two fascia signs (one externally illuminated) and one wall plaque. Approved 2018.
- 18/02660/LBC, Listed Building Consent for internal alterations to public house. Approved 2018.

1.5 An associated application for listed building consent (Ref: 22/00144/LBC) is also on this committee agenda for determination,

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 A physical site visit was undertaken on 02.03.2022.

2.0 ASSESSMENT

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

- Design/Visual Impact on Historic Environment
- Residential Amenity

2.2 DESIGN/VISUAL IMPACT ON HISTORIC ENVIRONMENT

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. NPF 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 Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets out that in considering whether to grant listed building consent for any work, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.2.3 Policy 14 of the Adopted FIFEplan (2017) promotes the care and protection of the historic environment and highlights the importance of supporting positive and sensitive change which minimises any adverse impact on Listed Buildings or Conservation Areas. Historic Environment Scotland's Managing Change series, Making Fife's Places - Supplementary Guidance and Fife Council guidance set out the general principles that should apply when proposing new work related to Listed Buildings and Conservation Areas to ensure that their special characteristics are maintained and/or enhanced. Policies 1 and 10 advise that if a development proposal is in a location where the proposed use is supported by the Local Development Plan, and it is well located and designed to protect the overall landscape and environmental quality of the surrounding area it will be supported. Policy 10 advises that a development proposal must demonstrate that it will not cause significant detrimental visual or amenity impact to the surrounding area.

2.2.4 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard 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 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.

2.2.5 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 the HES Historic Environment Policy for Scotland (May 2019).

2.2.6 HES Historic Environment Policy for Scotland (May 2019) advises that new work, including alterations to historic buildings shall enhance its surroundings. This document, in essence, is a good practice guide for developments involving the historic environment, including conservation areas.

2.2.7 As stated in Section 1.2, this application proposes a number of external changes. Externally, a stonework retaining wall (0.6m in height) is proposed that would sit 0.5m below and 0.5m away from the existing boundary wall and over 1m below the railings that sit on top of the existing retaining wall. Planting would be introduced in the space between the existing wall and proposed new retaining wall. This new retaining wall would not be visible to the public from the street level and therefore there would not have a significant visual impact on the setting of the listed building. Seven, new low-level warm white downlighters would be added to the new retaining wall. As with the new retaining wall, these downlights would not be visible from the public street, so therefore would not impact on the setting of the listed building. The units themselves are also considered acceptable for such a setting/location. The Blue Stane which sits within the forecourt of the application site will remain in the same location and will be protected accordingly during the proposed works. Originally, a canopy was proposed as part of this application but through discussions with the planning authority and taking account of concerns raised by third parties, the canopy was removed from this proposal. The existing fire door that sits adjacent the bay windows is to be modified to include glazed panels and decorative ironmongery. Concerns have been raised regarding the gate at the existing barrel chute area. The applicant has confirmed that this will be replaced by railings matching the existing. Fife Council's Built Heritage Officers were consulted and have raised no concerns with this proposal.

2.2.8 In conclusion, the proposed external alterations are not considered to have an adverse impact on the design/ character or setting of the listed building. In addition there would be no significant impact on the Conservation Area. Therefore, it is determined that the proposed development would not have an adverse impact on the character and appearance of the Category B listed building or St Andrews Conservation Area, complying with the above noted legislation, development plan policies and national guidance.

2.3 Residential Amenity

2.3.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017), Planning Advice Note (PAN) 1/2011: Planning and Noise, Fife Council Customer Guidelines on Daylight and Sunlight (2018) apply in terms of residential amenity.

2.3.2 The above FIFEplan policies and guidance set out the importance of encouraging appropriate forms of development in the interests of residential amenity. They generally advise that development proposals should be compatible with their surroundings in terms of their relationship to existing properties, and that they should not adversely affect the privacy and amenity of neighbours with regard to the loss of privacy; sunlight and daylight; and noise, light and odour pollution.

2.3.3 PAN 1/2011 promotes the principle of how noise issues should be taken into consideration with determining an application. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It is recommended that Environmental Health Officers and/or professional acousticians should be involved in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments.

2.3.4 As the outside area of the public house is covered by the liquor licence for the whole site this area could be used as a beer garden with moveable structures therefore this proposal does not constitute a change of use. However the use of this outside area could intensify as a result of the development. Given this, the applicant has provided a noise management plan to address any potential issues arising from the proposed intensification of use in the outdoor area. Concerns have been raised by the public regarding noise from patrons using this outdoor area. These concerns are noted; however, given that this application site sits on one of the main roads and junctions within the town centre of St Andrews and that Market Street has several late-night premises in terms of public houses, takeaways and a students' association, there are already higher levels of external noise. Also, as the entrance to the pub is within the application, there is already ambient noise in this location up until the closing time of the public house. As stated above the applicant has provided a noise management plan which will deal with any excessive noise from patrons from this outside area of the public house.

2.3.5 In addition, Fife Council's Public Protection Team can control noise under their own legislative processes and through the use of appropriate enforcement measures if required should any complaints be received. If any noise complaints were to be received, Fife Council's Public Protection team would investigate these and thereafter take appropriate action if deemed to be a statutory noise nuisance in the context of the activity involved and the location taking into account the relevant background noise levels. If any of the potential customers were to cause damage/anti-social behaviour outwith the site then this would be considered a matter which could also be dealt with under separate legislation or by separate authorities, outwith the control of the planning system.

2.3.6 Concerns have been raised regarding the relocation of the barrel chute in that it would cause road safety issues. Although the barrel chute is proposed to be relocated to the western side of the premises, the drop off and delivery process will remain the same. The deliveries to the premises would not be daily and when they do occur, they would not take long, and vehicles would be moved as soon as is practicably possible shortly after the delivery is made to ensure inconvenience is kept to a minimum. Indeed, if any issues do become a road safety issue, then Police Scotland and the Council's Roads Network officers could investigate and take whatever

action is deemed appropriate. That aside it is not anticipated that approving the relocated chute would cause such an issue. Given that there are a number of commercial/licenced premises within the vicinity where deliveries take place on the public road and that it would not be worse than the current situation in terms of road safety impacts, it is considered that the relocation of the barrel chute is acceptable.

2.3.7 In conclusion, there would be no adverse residential amenity concerns arising from the proposed development. The proposal is therefore considered to comply with the above mentioned FIFEplan policies, PAN and local guidance documents.

CONSULTATIONS

Community Council	Object
Environmental Health (Public Protection)	No objection

REPRESENTATIONS

19 objections have been received. The material planning considerations relating to these concerns have been addressed under sections 1.3 (Background) 2.2 (Design/Visual Impact on Historic Environment), 2.3 (Residential Amenity) of this report of handling.

Comments regarding pub management insurance, property value, title deeds, disturbance, suds and equalities act are all noted but are not a material planning consideration in the assessment of this planning application.

Comments regarding health and safety, pub management, foot traffic, congestion and loitering are noted, however they are not material planning considerations in the assessment of this planning application as this application is for external works including installation of new door and retaining wall. Fife Council's Public Protection team can control noise under their own legislative processes and through the use of appropriate enforcement measures if required and should any complaints be received. If any of the potential customers were to cause damage/anti-social behaviour outwith the site then this would be considered a matter which could also be dealt with under separate legislation or by separate authorities, outwith the control of the planning system.

Comments regarding previous application decisions and planning process are noted, however each application must be assessed on its own merits.

CONCLUSIONS

The proposal is considered acceptable in meeting the terms of the Development Plan and National Guidance. The proposal is considered to be compatible with its surrounds in terms of land use; would not cause any significant detrimental impacts on the amenity of the surrounding area and will not cause any detrimental impact to the listed building. The proposed development is therefore considered to be acceptable, complying with Policies 1, 10 and 14 of FIFEplan Local Development (2017).

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. The submitted operational management plan shall be maintained for the lifetime of the development unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of safeguarding residential amenity

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's Historic Environment Policy for Scotland (May 2019)

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

The Development Plan

National Planning Framework4 (2023)

FIFEplan (2017)

Making Fife's Places - Supplementary Guidance (2018)

Other Guidance

St. Andrew's Conservation Area Appraisal and Management Plan (2010)

St. Andrew's Design Guidelines (2011)

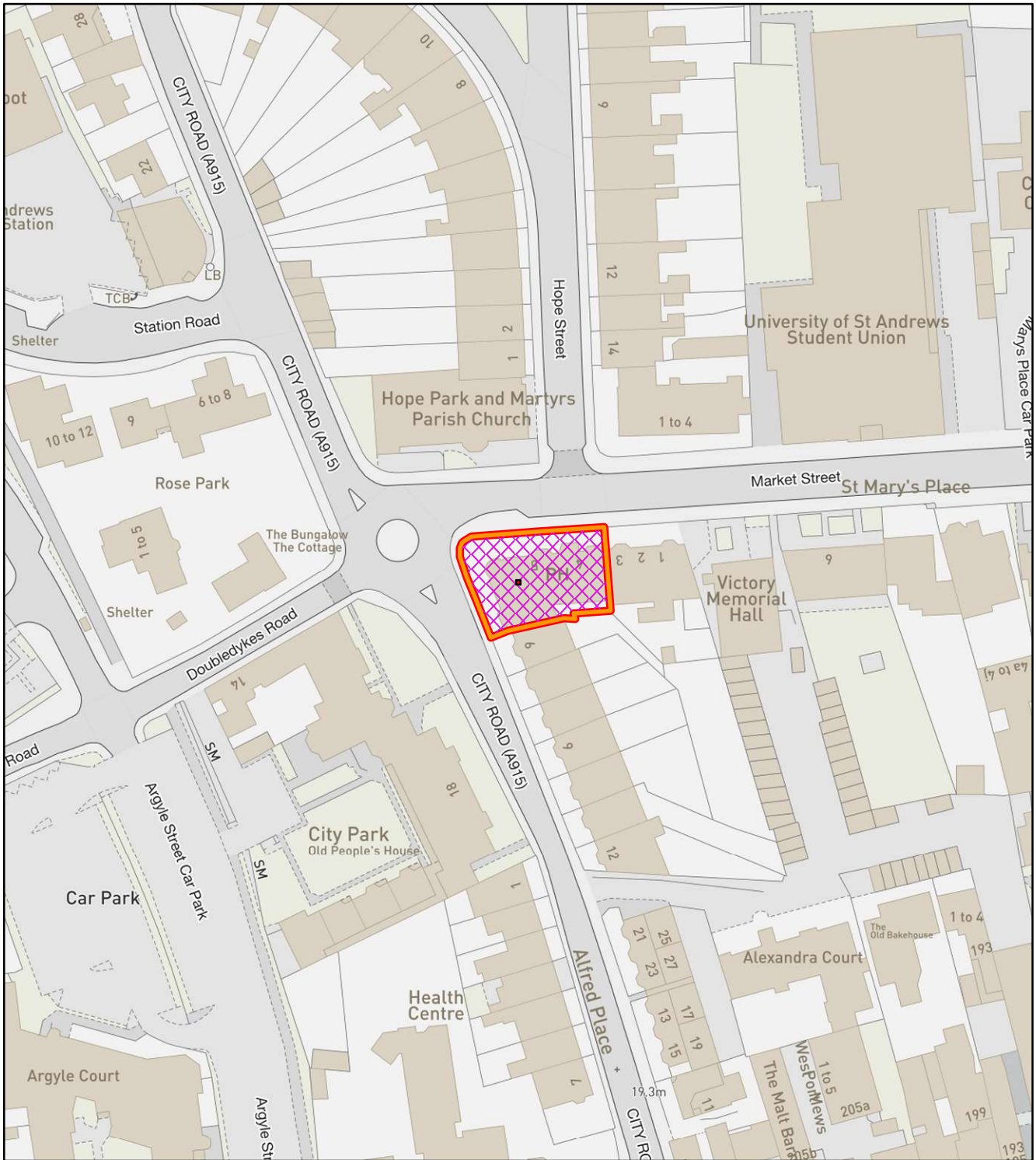
Report prepared by Scott McInroy, Planner Development Management

Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 09/02/2023

22/00145/FULL

5 Alexandra Place Market Street St Andrews



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 5

APPLICATION FOR LISTED BUILDING CONSENT REF: 22/00144/LBC

SITE ADDRESS: 5 ALEXANDRA PLACE MARKET STREET ST ANDREWS

PROPOSAL: LISTED BUILDING CONSENT FOR EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF NEW DOOR AND RETAINING WALL

**APPLICANT: GREENE KING
WESTGATE BREWERY WESTGATE BREWERY BURY ST EDMUNDS**

**WARD NO: W5R18
St. Andrews**

CASE OFFICER: Scott McInroy

DATE REGISTERED: 14/02/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

This application could be determined at officer level but the associated application for full planning permission would be subject to a different appeal route unless both the 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 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.

The Scottish Government voted to approve National Planning Framework 4 on January 11, 2023, with it being formally adopted on February 13, 2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places and productive places.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The Adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

Having assessed the current application against the policy provisions of the Adopted NPF4 and the Adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.0 BACKGROUND

1.1 This listed building application relates to the basement/ground floor of a three and a half storey Category 'B' Listed Building situated within the St Andrews Conservation Area. The application site operates as a pub and is located on a prominent position on the western end of Market Street and sits within an area that has a mixture of commercial uses at ground floor with residential above. The property is stone built with ashlar, bay windows, circled corner with slated spirelet and pedimented dormers and a slated roof.

1.2 This application seeks listed building consent for external alterations including the proposed installation of a new door, erection of canopy and retaining wall. Externally, a stonework retaining wall (600mm in height) is proposed that would sit 0.55m below and 0.5m away from the existing boundary wall. Planting would also be introduced in the space between the existing wall and proposed new retaining wall. Seven new low level warm white downlighting units would be added to the new retaining wall (0.45m from the finished floor level). The existing fire door that sits adjacent to the bay windows would be modified to include glazed panels and decorative ironmongery. The existing barrel delivery chute and drop area is proposed to be moved from the north side to the western side of the application site where the existing yard area is.

1.3 Planning history on this site is as follows

- 00/00011/EFULL, Planning consent to repaint external doors, window frames and checks (excluding signage). Approved 2000.
- 00/00012/ELBC, Listed building consent to repaint external doors, window frames and checks and alter all existing signage. Approved 2000.
- 00/00082/EADV, Advertisement consent to alter existing externally illuminated fascia sign and 2 post signs. Approved 2000.
- 00/01400/ELBC, Listed building consent for internal alterations. Approved 2000.
- 00/02823/EFULL, Install external flue to rear elevation. Refused 2001.

- 00/02824/ELBC, Install external flue to rear elevation. Refused 2001.
- 02/01937/EADV, Display externally illuminated pole and fascia signs. Approved 2002.
- 02/01938/ELBC, Internal and external alterations to listed building (including illuminated signage). Approved 2003.
- 04/03635/EFULL, Form access ramp at entrance to building. Refused 2005.
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- 18/01665/LBC, Listed Building Consent for the display of two freestanding signs (one externally illuminated), two fascia signs (one externally illuminated) and one wall plaque. Approved 2018.
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- 18/02660/LBC, Listed Building Consent for internal alterations to public house. Approved 2018.

1.4 An associated application for planning permission (Ref: 22/00145/FULL) is also on this committee agenda for determination,

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.

1.5.2 A physical site visit was undertaken on 02.03.2022.

2.0 ASSESSMENT

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

- Design and Visual Impact on a Listed Building

2.2 Design and Visual Impact on a Listed Building

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 is preserved or enhanced. NPF 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 will 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 14(2) 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 Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets out that in considering whether to grant listed building consent for any work, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.2.3 Policy 14 of the Adopted FIFEplan (2017) promotes the care and protection of the historic environment and highlights the importance of supporting positive and sensitive change which minimises any adverse impact on Listed Buildings or Conservation Areas. Historic Environment Scotland's Managing Change series, Making Fife's Places - Supplementary Guidance and Fife Council guidance set out the general principles that should apply when proposing new work related to Listed Buildings and Conservation Areas to ensure that their special characteristics are maintained and/or enhanced. Policies 1 and 10 advise that if a development proposal is in a location where the proposed use is supported by the Local Development Plan, and it is well located and designed to protect the overall landscape and environmental quality of the surrounding area it will be supported. Policy 10 advises that a development proposal must demonstrate that it will not cause significant detrimental visual or amenity impact to the surrounding area.

2.2.4 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard 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 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.

2.2.5 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 the HES Historic Environment Policy for Scotland (May 2019).

2.2.6 HES Historic Environment Policy for Scotland (May 2019) advises that new work, including alterations to historic buildings shall enhance its surroundings. This document, in essence, is a good practice guide for developments involving the historic environment, including conservation areas.

2.2.7 As stated in Section 1.2, this application proposes a number of external changes. Externally, a stonework retaining wall (0.6m in height) is proposed that would sit 0.5m below and 0.5m away from the existing boundary wall and over 1m below the railings that sit on top of the existing retaining wall. Planting would be introduced in the space between the existing wall and proposed new retaining wall. This new retaining wall would not be visible to the public from the street level and therefore there would not have a significant visual impact on the setting of the listed building. Seven, new low level warm white downlighters would be added to the new retaining wall. As with the new retaining wall, these downlights would not be visible from the public street, so therefore would not impact on the setting of the listed building. The units themselves are also considered acceptable for such a setting/location. Originally, a canopy was proposed as part of this application but through discussions with the planning authority and taking account of concerns raised by third parties, the canopy was removed from this proposal. The existing fire door that sits adjacent the bay windows is to be modified to include glazed panels and decorative ironmongery. Concerns have been raised regarding the gate at the existing barrel chute area. The applicant has confirmed that this will be replaced by railings matching the existing. Fife Councils Built Heritage Officers were consulted and have raised no concerns with this proposal.

2.2.8 In conclusion, the proposed external alterations are not considered to have an adverse impact on the design/ character or setting of the listed building. Therefore, it is determined that the proposed development would not have an adverse impact on the character and appearance of the Category B listed building, complying with the above noted legislation, development plan policies and national guidance.

CONSULTATIONS

Historic Environment Scotland	No objection
Built Heritage, Planning Services	No objection

REPRESENTATIONS

3 objections were received. The material planning considerations relating to these concerns have been addressed under section 2.2 (Design and Visual Impact on a Listed Building)

This application is for listed building consent regarding the proposed external alterations. Comments regarding planning history, claimed use of the application site, principle of development are not part of the assessment of this listed building application, those comments will be assessed as part of the associated FULL application (ref 22/00145/FULL).

Comments regarding previous application decisions and planning process are noted, however each application is assessed on its own merits.

CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of the National Guidance, Development Plan and relevant other guidance. The proposal is compatible with and will not cause any detrimental impact to the listed building. The proposed development is therefore considered to be acceptable, complying with Policies 1, 10 and 14 of FIFEplan Local Development (2017).

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 Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

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 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
Historic Environment Scotland's Historic Environment Policy for Scotland (May 2019)
Historic Environment Scotland's Managing Change in the Historic Environment (2010)

The Development Plan

National Planning Framework4 (2023)
FIFEplan (2017)
Making Fife's Places - Supplementary Guidance (2018)

Other Guidance

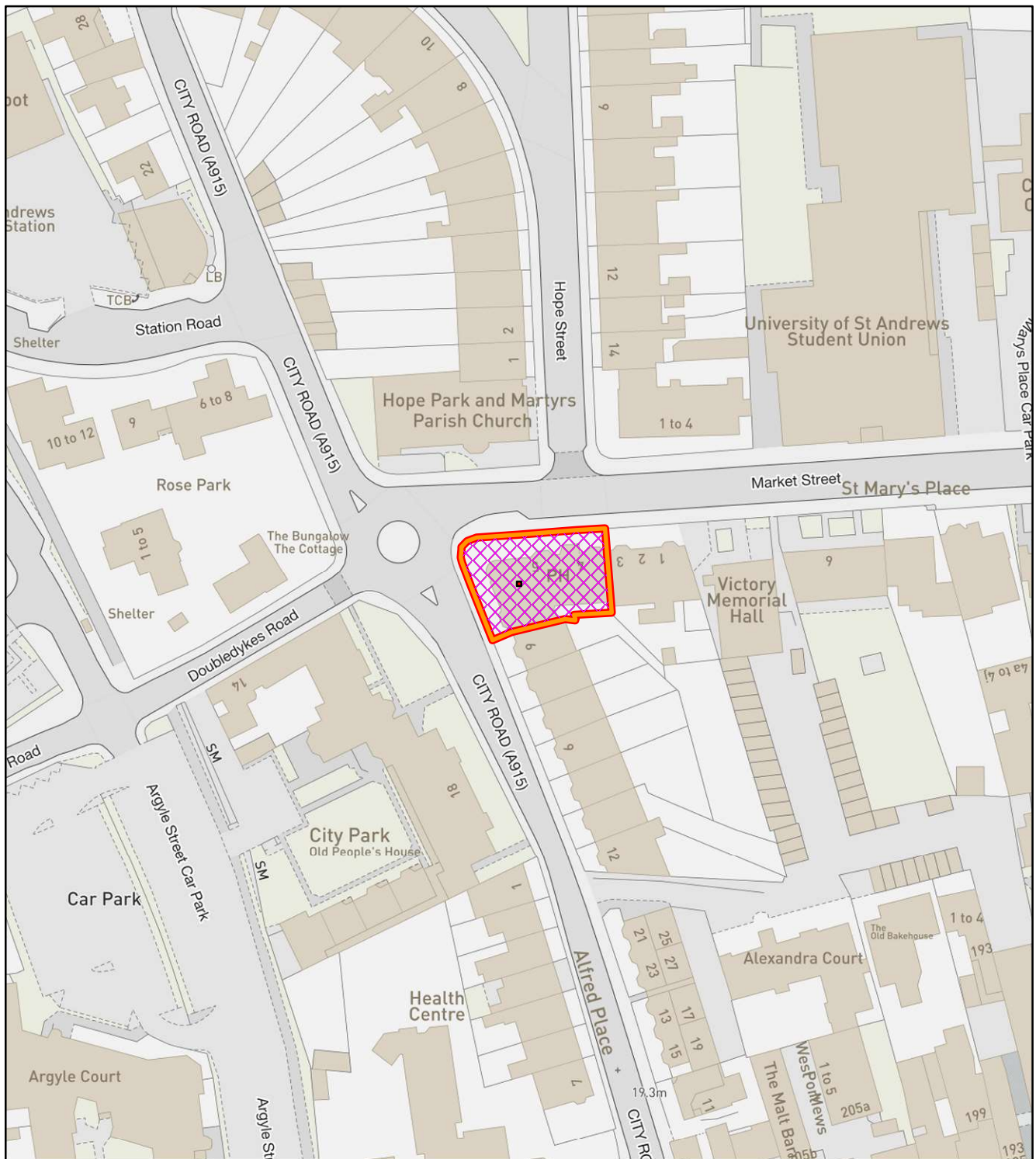
St. Andrew's Conservation Area Appraisal and Management Plan (2010)
St. Andrew's Design Guidelines (2011)

Report prepared by Scott McInroy, Planner Development Management
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 09/02/2023

22/00144/LBC

5 Alexandra Place Market Street St Andrews



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO:	6
APPLICATION FOR FULL PLANNING PERMISSION REF:	22/02806/FULL
SITE ADDRESS:	23 MELBOURNE PLACE BRIDGE STREET ST ANDREWS
PROPOSAL :	SUBDIVISION OF FLATTED DWELLINGHOUSE (SUI GENERIS) TO FORM TWO FLATTED DWELLINGHOUSES (SUI GENERIS)
APPLICANT:	MR JAMES CHANTER 9 WEST ROAD NEWPORT ON TAY FIFE
WARD NO:	W5R18 St. Andrews
CASE OFFICER:	Scott McInroy
DATE REGISTERED:	10/10/2022

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.

The Scottish Government voted to approve National Planning Framework 4 on January 11, 2023, with it being formally adopted on February 13, 2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places and productive places.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The Adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

Having assessed the current application against the policy provisions of the finalised NPF4 and the Adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.0 BACKGROUND

1.1 This application relates to the ground floor of a two and a half story terraced property, located within the conservation area and settlement boundary of St Andrews. The building at present consists of 2 flats. The property consists of brick walls, a pitched roof with natural slate, dormers to the front and white sash and case windows. The property fronts onto Melbourne Place and has a rig garden to the rear.

1.2 The applicant seeks planning permission for the Subdivision of a flatted dwellinghouse (Sui Generis) to form two flatted dwellinghouses (Sui Generis). No external alterations are proposed.

1.3 Planning History

1.3.1 There is no previous planning history for this site.

1.4 Application Process

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

1.4.2 A physical site visit was undertaken on 08.02.2023.

2.0 PLANNING ASSESSMENT

2.1 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
- Road safety
- Housing in Multiple Occupation

2.2 Principle of Development

2.2.1 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 Team.

2.2.2 In simple land use terms, the principle of the residential development meets the requirements of the Development Plan and national guidance by virtue of the site being situated within the settlement boundary of St Andrews and the site already being in residential use. Notwithstanding this, the overall acceptability of the proposal 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.

2.3 Design/ Visual Impact on Conservation Area

2.3.1 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. 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 will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. 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. Policies 1 and 10 of the Adopted Local Plan apply and state amongst other things that development will be supported where it conforms to relevant Development Plan policies and proposals; and the proposal respects the character, appearance and prevailing pattern of development of the adjacent townscape in terms of external finishes and complies with any planning guidance which has been issued by Fife Council. New development must make a positive contribution to its immediate environment and is required to demonstrate well thought out design, and high standards of architecture in terms of choice of materials.

2.3.2 Policy 14 of the Adopted Local Plan applies and states amongst other things that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported.

2.3.3 Fife Council's Making Fifes Places Planning Supplementary Guidance encourages a design-led approach to development proposals, focussed on achieving high quality design through careful consideration of the needs of users and future users to create buildings which are fit for purpose.

2.3.4 No external alterations are proposed; therefore, the application therefore meets the requirements of the Development Plan relating to design and visual impact.

2.4 Residential Amenity

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

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

2.4.3 This proposal would not cause any impact on the residential amenity of the surrounding properties given there are no external alterations proposed and that the building would remain residential in nature. Concerns have been raised regarding over development of this site. Flat 1 would have a floorspace of 16m² while flat 2 would have a floorspace of 14m². In terms of the small-scale nature of the proposed flats, the minimum liveable standards which are that the rooms should have a floor space of at least 12m² and a length and width of at least 3m will be met in this regard. Each flat has a private courtyard that have space to store 4 bins. As there is a lane that runs down the side of the application site, the bins from the flat to the rear will be taken down this lane to the pavement on Melbourne Place. The courtyard for the flat to the front fronts onto Melbourne Place so the pavement is easily accessible from this courtyard for the bins to be taken out.

2.4.4 The proposal therefore complies with the relevant policies and guidelines relating to residential amenity.

2.5 Garden Ground

2.5.1 Fife Council's Planning Customer Guidelines on Garden Ground require all new residential properties to be served by garden ground sufficient in quantity, quality and usability to provide for normal needs and activities of future residents. This means all new flats must have a minimum of 50 square metres of useable private garden ground and to provide a plot ratio of 1:3.

2.5.2 The property is presently serviced by front and rear courtyard areas, both of which are less than 10 square metres in area. However, the two properties which would be formed would be bedsit/studio flats, which do not ordinarily require garden ground provision. As the existing property does not provide the required garden ground provisions, as set out by the customer guidelines, it is deemed appropriate by the planning authority to relax the provision in this instance. In conclusion, while the development may not adhere to the requirements set out in Fife Council's Planning Customer Guidelines on Garden Ground, it is deemed to be acceptable in this instance given the character of the development.

2.6 Road Safety

2.6.1 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.

2.6.2 Concerns have been raised regarding the lack of parking available with this proposal. The Transportation Development Management Team (TDM) was consulted and has no objections to this application. There is no off-street parking associated with the existing flatted dwellinghouse which, if it were available, would require 1 off street parking space. The proposal is for an additional separate one-bedroom flatted dwelling which would normally require 1 additional off-street parking space. There is no space available to accommodate the required additional off-street parking space, however, the proposal lies within the Outer Core area of St Andrews which benefits from a 25% reduction to the standard requirement. The application site is close to the St Andrews Town Centre, within a short walking and cycling distance to local amenities and to different modes of sustainable transport, In this context and taking into account the pattern of development in this area where there is no off-street parking within the curtilage of the dwellings, it is considered that the lack of parking proposed for this application is acceptable.

2.6.3 It is therefore concluded that whilst the proposal would not comply with the Fife Council Transportation Development Guidelines and relevant development plan policies, it is nonetheless acceptable in this case.

2.7 Houses in Multiple Occupation

2.7.1 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.

2.7.2 The proposal is not intended for HMO use at this time and given the size of the proposed flats it is unlikely to be used for this use. Nonetheless, a 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

TDM, Planning Services
Community Council

No objection
Object

REPRESENTATIONS

1 objection received from the Community Council. The material considerations relating to these concerns have been addressed under sections 2.4.3 (Residential Amenity) and 2.6.2 (Road Safety) of this report of handling.

CONCLUSIONS

The proposal is considered acceptable, complying with the terms of the Development Plan and associated guidance. The proposal is compatible with its surrounds in terms of land use; does not cause any significant detrimental impacts on the amenity of surrounding residential properties; and is acceptable in terms of its design and finishings and regarding road safety.

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. 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.

Development Plan
National Planning Framework 4 (2023)
Adopted FIFEplan (2017)
Making Fife's Places Supplementary Guidance (2018)

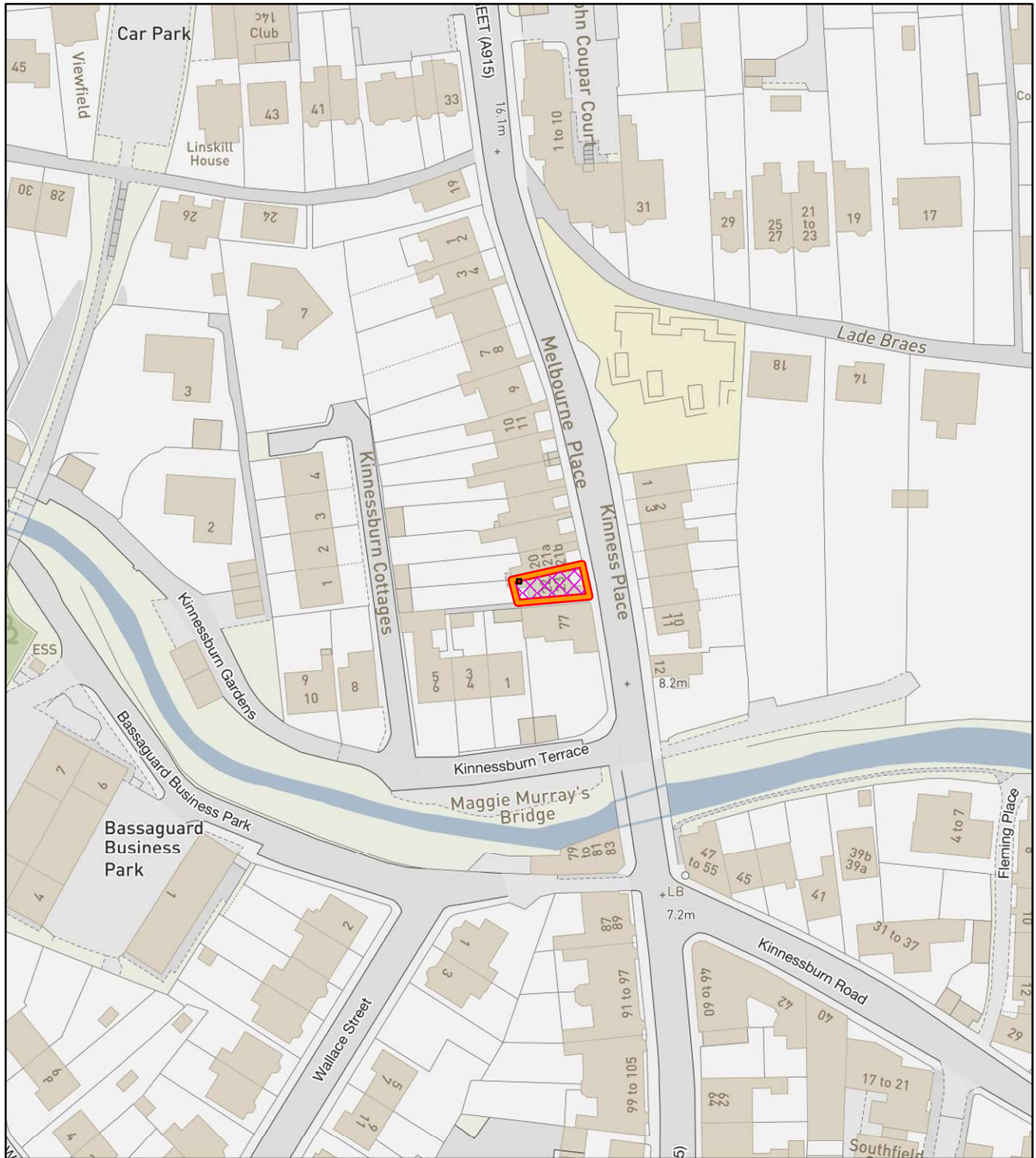
Other Guidance
Fife Council Customer Guidelines - Garden Ground (2018)

Report prepared by Scott McInroy, Planner Development Management
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 09/02/2023

22/02806/FULL

23 Melbourne Place Bridge Street St Andrews



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 7

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/03281/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: MR FRASER OGSTON
KINNETTLES HOTEL 127 NORTH STREET ST ANDREWS**

**WARD NO: W5R18
St. Andrews**

CASE OFFICER: Scott McInroy

**DATE 17/10/2022
REGISTERED:**

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

This application has received more than 5 representations which are contrary to the 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.

The Scottish Government voted to approve National Planning Framework 4 on January 11, 2023, with it being formally adopted on February 13, 2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places and productive places.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The Adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan.

Having assessed the current application against the policy provisions of the finalised NPF4 and the Adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.0 Background

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

1.2 Planning permission is sought for change of use from private garden to outdoor seating area including siting of a coffee kiosk and installation of replacement gate. The application proposes to replace the existing timber gate with a black metal gate. The proposed gate will consist of 9 lower rails and four upper rails, with the upper rails having a square base with a round railhead. The proposal will also include the siting of 3 timber benches for seating and the siting of a small lightweight converted former horsebox which will serve coffees and snacks to guests of the hotel as well as non-residents. The kiosk proposed will be a light frame converted horse box, with the cladding being tongue and groove timber boarding, finished in Distant blue RAL 5023, and the roof to retain fibreglass and will be situated in the south eastern corner of the site.

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.

- 21/01491/FULL - Change of use from private garden to outdoor seating area including siting of coffee kiosk and installation of replacement gate - refused 21/03/2022

- PPA-250-2374 - Change of use from private garden to outdoor seating area including siting of coffee kiosk and installation of replacement gate - Appeal dismissed, and planning permission refused 01/07/2022

1.3.1 A previous application (ref 21/01491/FULL) for the Change of use from private garden to outdoor seating area including siting of coffee kiosk and installation of replacement gate was refused by North East Fife Planning Committee on 09.03.2022. Officers had recommended approval of this application with two conditions attached regarding operating hours and screening. The application was then appealed by the applicant and dismissed at appeal by the DPEA on 01/07/2022. The reporter's decision (PPA-250-2374) concluded that the proposal is appropriate in nature to the mixed-use edge-of centre area in which it is located: in making an open space available to the public it will add to the area's mix of uses, and the proposed coffee kiosk would be appropriate to the character of the wider edge-of-centre area which has a number of existing food and drink uses, however the lack of detail on the design of the coffee kiosk meant that the reporter couldn't fully assess the visual impact on the amenity of the area or the historic environment designations that characterise it. The image of the kiosk that was submitted with application 21/01491/FULL was indicative only and it was the lack of formal detail that precluded the Reporter from being able to make a detailed design specific assessment as to the likely impacts (positive and or negative) a specific kiosk model/colour scheme etc would have on the setting of adjacent Listed Buildings and the wider conservation area. Equally the Reporter was not at liberty to apply a condition as the design, scale, and colour scheme were central to the decision making at that time. Subsequently the applicant has considered this and has with this current application provided a detail of the actual selected kiosk should this application be approved.

1.4 Application Process

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

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

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

2.2.3 Concerns have been raised in representations regarding potential future uses of the site or future uses of neighbouring land, however these concerns are not a material planning consideration with regards this application.

2.2.4 Third party comments raised regarding previous planning decisions on other nearby sites and comments previously made by Council planning officers are noted. However, these separate applications and earlier comments were considered on their own individual merits and at that particular point in time. As such those issues are not material to the determination of this application which is being assessed on its own merits using current planning policies and guidance applicable at this time of determination.

2.2.5 Through the earlier appeal decision (PPA-250-2374), the reporter concluded that there was no issue with principle of the proposed land use. It is therefore considered that in principle in this instance the proposal complies with the provisions of the Adopted FIFEplan (2017) Policy 1, Part A (1a) and Policy 1 Part B criterion 6 and 10.

2.3 Residential Amenity

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

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

2.3.3 Concerns have been raised regarding noise impact from the proposed development. The application site is located adjacent to the core retail area of the defined St Andrews town centre boundary and is surrounded by a mixture of uses (hotel, bar, shops, hairdressers, residential

flats, garden areas and public car park). Due to the nature of the uses in this area of St Andrews there is a high pedestrian footfall and car usage on the surrounding streets (North Street, Greyfriars Garden). The nearest residential properties sit to the rear of the application site and on the opposite side of Greyfriars Garden. The applicant advises that the opening hours of the site will be 8am to 8pm April to October and 9am to 4pm November to March. Against the background of the existing levels of activity in the vicinity, the impact of the operation of the coffee kiosk is considered minimal. A draft condition has been added limiting the operating hours to those specified.

2.3.4 The coffee kiosk would be powered by a generator. Fife Council's Public and Environmental Protection Team (PEPT) has assessed the proposal and has recommended a condition relating to noise from the generator, to address the potential for impact on residential amenity.

2.3.5 The Public Protection Team also recommended the inclusion of a Condition limiting the range of products available from the kiosk, in order to ensure that amenity issues that can arise from odours etc will be minimised by ensuring more odorous products in their preparation do not form part of the range on offer. It should also be noted that Fife Council's Public Protection team can control noise and odours under their own legislative processes and through the use of appropriate enforcement measures if required and should any complaints be received.

2.3.6 Given that the application area is located adjacent to the core retail area of St Andrews and has premises nearby (Greyfriars Inn and restaurants) that have night-time opening hours the proposed opening hours of the site are considered acceptable and will not create any significant impact on the amenity of the surrounding residential properties or existing businesses.

2.3.7 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 will not create a significant impact on the surrounding area in terms of littering. Bins will be located on site adjacent to the proposed kiosk and there are also a number of waste bins located in this area for use by the public. Fife Council's Public and Environmental Protection Team (PEPT) has assessed the proposal and have raised no concerns over this proposed development in terms of potential amenity impacts (including noise and odour) nor have they raised any issues regarding waste disposal.

2.3.8 Concerns have been raised regarding potential antisocial behaviour area due to people congregating in the street. These concerns are noted; however, these concerns are not a material planning consideration with regards this application. If future customers were to litter or cause damage anti-social behaviour outwith the site then this would be a matter which could also be dealt with under separate legislation, outwith the control of the planning system.

2.3.9 Through application 21/01491/FULL a condition was recommended by planning officers to provide screening to mitigate any potential overlooking into the neighbouring garden to the south. The reporter's decision concluded that given the level difference from the application site to the neighbouring garden there will be no significant overlooking. Also, with regards this application the coffee kiosk is proposed to be in the southeast corner where the existing trees provide natural screening to the south, therefore the condition proposed on the previous application is not required.

2.3.10 Overall, this will be a small-scale development with limited outdoor seating/gathering capacity and limited operating hours in an area already operating with a mix of commercial and residential uses that already successfully co-exist with one another. The site is also located within an already reasonably busy part of St Andrews with busy footfall, traffic movements and a popular night-time economy all in close proximity to the site itself. As such, subject to the recommended conditions, the proposed change of use complies with Policy 10 criterion 3 in that the development will not have a significant detrimental impact on residential properties or impact 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 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. 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 will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. 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. 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:

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

2.4.6 The application site is accessed from Greyfriars Garden within the St Andrews Conservation Area and is the garden area associated with the Category B listed building on the opposite side at 150 North Street. Members should note however that the garden itself and its walls are not included in that listing. The application proposes to replace the existing timber gate with a black metal gate. The proposed gate will consist of 9 lower rails and four upper rails, with the upper rails having a square base with a round railhead. The reinstatement of the metal gate is of an appropriate sympathetic design, colour, materials and quality.

2.4.7 Concerns have been raised regarding the visual impact of the proposed features on site. Through the earlier appeal decision (PPA-250-2374), the reporter agreed that there was no issue with the proposed seating 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 previous application (21/01491/FULL) showed an indicative design for the kiosk without proposing finishing materials. Within this application, the converted horse box kiosk proposed will have a light frame, with the cladding being tongue and groove timber boarding, finished in Distant blue RAL 5023, and a fibreglass roof, It will be situated in the south eastern corner of the site. 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 to any trees on site. Given the small-scale temporary/mobile nature of the benches and kiosk proposed on site, it is considered that these structures will not significantly affect the setting of the adjacent listed buildings, or the character of the conservation area, given their small size and set back from the public road/footway.

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

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

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

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

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

CONSULTATIONS

TDM, Planning Services	No objection
Environmental Health (Public Protection)	No objection subject to conditions

REPRESENTATIONS

51 objections comments have been received. The material considerations relating to these concerns have been addressed under sections 2.2 (Principle of Development), 2.3 (Residential Amenity), 2.4 (Design/Visual Impact on the Conservation Area/Impact on Setting of Listed Buildings) and 2.5 (Road Safety) of this report of handling.

Concerns have been raised regarding unauthorised uses on site. These were investigated and no breach of planning was found to have occurred.

Concerns have been raised regarding potential future uses on site. These concerns are noted; however, these concerns are not a material planning consideration with regards this application.

11 supporting comments have been received supporting the principle of development in this location.

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 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. 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

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

3. The mobile premises hereby approved shall only be used as a coffee kiosk for the preparation and sale of coffee, teas, soft drinks, paninis, toasties, sandwiches, soup, rolls and bakery products and similar goods where their preparation does not give rise to unacceptable cooking levels e.g. frying/deep fat frying which would be detrimental to the amenity of adjacent properties, unless otherwise agreed in writing with this Planning Authority. FOR THE AVOIDANCE OF DOUBT, frying/deep fat frying is hereby NOT PERMITTED.

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

4. 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, day time shall be 0700-2300hrs and night time shall be 2300-0700hrs.

Reason: In order to protect the amenity of 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

Historic Environment Scotland's Historic Environment Policy for Scotland (2019)

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan - Fife Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Other Guidance

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

Fife Council St Andrews Design Guidelines (2011)

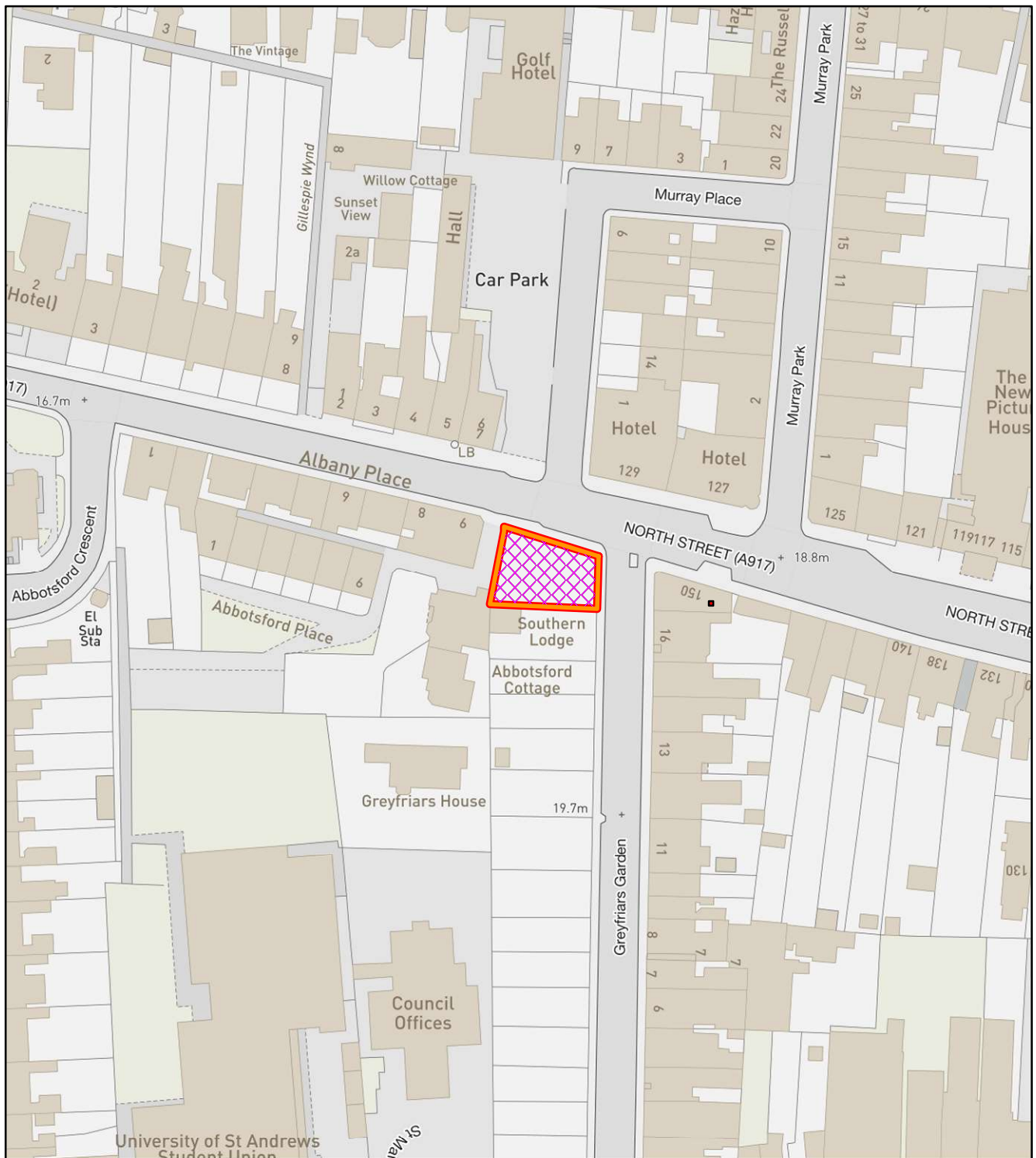
Report prepared by Scott McInroy, Planner, Development Management

Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

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150 North Street St Andrews



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