
Poets' Neuk: Land Reform (Scotland) Act 2016, Part 5 CRTB Application

**Planning Rights and Interests
(Further Information on Section 4.11 of Application Form)**

Introduction

Poets' Neuk's garden project is located in the "Outstanding" St Andrews Conservation Area, and consequently it has been assessed by Fife Council against its criteria for development in designated conservation areas. Fife Council's published statement in relation to Conservation Areas: "*Planning-and-Building, Built and Natural Heritage and Conservation-Areas*" states:

"General Principles

Designation of a conservation area does not mean development is prohibited. However, when considering development within a conservation area, special attention must be paid to its character and appearance. Proposals which fail to preserve or enhance the character or appearance of the area will normally be refused. Guidance on what contributes to character is given in the conservation area character appraisals. The aim should be to preserve the spatial and structural patterns of the historic fabric and the architectural features that make it.

Preservation and re-use should always be considered as the first option. Interventions need to be compatible with the historic context, not overwhelming or imposing. Without exception, the highest standards of materials and workmanship will be required for all works in conservation areas."

(This quotation can be seen in context in Annexe 1, Page 4).

The garden subject of this CRTB application, currently has planning permission dating back to 2011. Details of this planning permission are as follows:

1. Planning permission granted but not yet fully utilised.

21/01087/FULL | Formation of public garden including installation of information board, seating, statue, and paved area and lowering of existing stone wall (renewal of Planning Permission 17/04088/FULL) | Garden 1 Greyfriars Garden St Andrews Fife.

Full planning permission was originally granted for the Poets' Neuk community project described in this application on 7th December 2011. Because of delays in achieving the objective of purchasing this land, the planning permission has been renewed on three occasions, most recently 27th May 2021, and is valid until 26th May 2024. The latest planning application and the previous three applications received no objections, and numerous support statements. As approved applications, these representations are no longer available on the Fife Council website.

The Planning Report of Handling is provided as **[Document 14]**. The Planning Permission Decision Notice is provided as **[Document 7]**. This gives the reasons why the Council made the decision, as follows:

"The proposal is seen as acceptable in meeting the relevant Development Plan policy and other relevant guidance. Further to this, it is considered that the proposal would enhance the character and appearance of the Conservation Area. As a result the application is recommended for approval subject to appropriate conditions."

The conditions set out in full in the Planning Decision Notice can be briefly summarised as follows:

Before work starts on the site:

1. Details and specifications of external finishes of the materials to be used on the site to be submitted for approval by the Planning Authority in order that these are appropriate to the character of the Conservation Area.
2. Details of the lowered wall to be submitted for approval by the Planning Authority, and the present coping stones retained to cap the finished wall in order to ensure that the finishing materials are appropriate to the character of the Conservation Area.

3. A scheme of landscaping, including earth moving, the location and species of trees hedges and shrubs, to be submitted to the Planning Authority for approval and carried out within the first planting season following the completion or occupations of the development, whichever is the soonest. The reason for this requirement is in order to ensure visual amenity and a satisfactory standard of environmental quality.
4. Details of the future management and aftercare of the site to be submitted to the Planning Authority for approval and the agreed arrangements to be carried out in accordance with the approved conditions.

The Poet's Neuk Board has included these requirements in its business plan to ensure that they will be carried out at the appropriate time. See Business Plan [**Document 11**].

The approved plans for the garden are provided as [**Document 8**].

2. **Planning permission applied for (by any person) but not yet granted.**

22/00332/FULL | Erection of 2no. food shacks within existing walled garden | Garden 1 Greyfriars Garden St Andrews Fife.

This application by the owner's agent to erect two food shacks in the garden was submitted on 2nd February 2022.

The description of this application was subsequently changed to:
"22/00332/FULL | Change of use from private garden to outdoor seating area including siting of 2no. food shacks | Garden 1 Greyfriars Garden St Andrews Fife"

On 14th November 2022, the status of this application was noted on the Fife Council planning website as "registered". The food shacks are described in the architectural drawing in the application documents as being steel containers finished in timber effect cladding and, in the applicant's agent's supporting statement, as "shipping container units". Outdoor seating/tables accommodating 12 people are shown on the site plan. This planning application has received 49 objections including one from the St Andrews Community Council and two supporting statements from the applicant's agent.

By its nature as an outdoor eating space, the garden's use would be restricted in its operation by the weather and the season. There are approximately 80 food outlets in St Andrews. Many of the cafes have outdoor eating areas.

The application will be assessed against National and Fife Council planning policy and in particular will require to meet the test of maintaining or enhancing the conservation area contained in [**Documents 28 and 34**].

Prima facie, this application does not appear to comply with the relevant Development Plan policies, including those designed to protect the historic environment, or statements on this specific site by Senior Fife Council planning officers about acceptable development for the garden.

A planning application to site a coffee kiosk in another of the gardens on a similar corner site at the other end of Greyfriars Gardens (Fife Council planning reference 21/01491/FULL) was refused by the North East Fife Planning Committee on 21st March 2022 and the appeal dismissed on appeal to Scottish Ministers on 1st July 2022.

Annexe 1

The context of the “General Principles” affecting Conservation Areas noted above is shown in the following extract from the Fife Council web document: *“Planning-and-Building, Built and Natural Heritage and Conservation-Areas.”*

“Conservation area appraisals

Most of Fife's 48 conservation areas have a Conservation Area Appraisal and Management Plan.

The appraisal is a management tool that helps to identify the special architectural and historic character of an area. It provides the basis for the development of a programme of action that is compatible with the sensitivities of the historic area. Also it enables local authorities to fulfil their statutory duties to protect and enhance conservation areas. Appraisals also inform policy and help development control. They provide an opportunity to educate residents about the special needs and characteristics of the area and help developers with their proposals.

Appraisals include an analysis of the historic development of the area, its buildings and townscape, street patterns and open spaces. Other topics can include identifying buildings at risk and reviewing the effect of existing street furniture and signage. The associated management plan sets out the framework for active management of an area.

You can look at a map of Fife's conservation areas below. You can do a postcode search to find out if you live in a conservation area, and link to a conservation area appraisal where one has been completed for the area.

Although not a statutory requirement, current Scottish Planning Policy recommends the preparation of appraisals, and guidelines for their format and content are contained in Planning Advice Note 71: Conservation Area Management.

Planning and conservation areas

Planning Permission

Planning permission is required for many alterations, additions and changes of use. However, some work can be carried out without planning permission; this is referred to as 'permitted development'. Within conservation areas, fewer alterations are permitted development and most changes to the outside of a building, including changing the colour, require planning permission. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) sets out the requirements for planning permissions.

If you believe your building work is 'permitted development' and doesn't need planning permission, you can apply for a Certificate of Lawfulness. This is a legal document from the Council which confirms that the development is lawful.

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What other consents might be required?

Listed Building Consent

Conservation areas generally contain a relatively high number of traditional and listed buildings. Listed building consent is required for works affecting the character of listed buildings, including the interior and any buildings within the curtilage or boundary. Planning permission may also be required

in addition. If your building is listed, the Listed Buildings Guidance should be followed.

Advertisement Consent

Advertisements are defined as any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, and employed wholly or partly for the purposes of advertisement, announcement or direction. While many advertisements require permission, certain types do not need permission as they have “deemed consent”. You can check this by consulting The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.”