



## REPORT OF HANDLING

## APPLICATION DETAILS

ADDRESS	Garden, 1 Greyfriars Garden, St Andrews		
PROPOSAL	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)		
DATE VALID	06/04/2021	PUBLICITY EXPIRY DATE	14/05/2021
CASE OFFICER	Scott McInroy	SITE VISIT	26/05/2021
WARD	St. Andrews	REPORT DATE	26/05/2021

## SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

## ASSESSMENT

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

## 1.0 BACKGROUND

1.1 The application relates to a private garden area on the corner of Greyfriars Gardens and St Marys Place within the settlement boundary of St Andrews. The site is located within the St Andrews Conservation Area. The associated dwellinghouse is located on the opposite side of Greyfriars Gardens. The site is bound on all sides by stone walls. The wall to the east side of the site boundary is lower than that on the north and west boundaries. Part of the wall on the south

of the site is the same height as the east side before rising to the same height as the walls on the north and west side. There is a small section of railing in the south east corner of the site. Within the site itself, there are several trees and other vegetation. However, the site has become unkempt and overgrown due to lack of care and has also attracted substantial littering.

1.2 The application is to renew planning permission 17/04088/FULL for the formation of a public garden including the installation of an information board, seating, statue and paved area as well as the lowering of the existing stone wall. The proposal is to create a community garden area in honour of Mary Queen of Scots, who gave the site to the town in 1567. Although the area would be in the public realm but would be privately maintained and managed.

1.3 Prior to application 17/04088/FULL being approved, application (14/04344/FULL) was granted for the same in 2014, as was application 11/05183/FULL in 2011.

## 2.0 PLANNING ASSESSMENT

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

- Principle of Development

### 2.2 Principle of Development

2.2.1 The principle of development has already been considered acceptable within the original consent (11/05183/FULL), the subsequent FULL planning consent (14/04344/FULL) and the renewal of the application through planning consent 17/04088/FULL. In addition, the application to renew the consent was submitted prior to the date that the existing consent was due to lapse on 12th of April 2021.

2.2.2 Scottish Government Circular 4/1998 indicates that in determining applications for extending the time period of an earlier consent, it is necessary to consider whether the application should be refused because either; there has been a material change in planning circumstances since the original permission was granted, whether it is likely that as a consequence of the failure to begin the development that this would contribute unacceptably to uncertainty about the future development in the area, or whether the application is premature as the permission still has a reasonable time to run before expiring.

2.2.3 Since the previous application was approved there have been changes to the Development Plan with the Adopted Making Fife Places Supplementary Guidance (2018) forming part of the Development Plan. This Supplementary Guidance sits alongside the adopted FIFEplan (2017).

2.2.4 In this instance however, there are not considered to be any relevant policy changes sufficient to suggest that there should be any reconsideration of the decision to approve this proposal for the formation of the landscaped public garden.

2.2.5 In this case there are no new material considerations in respect of this development and the proposal is therefore considered to still meet the relevant policy requirements (e.g. principle, design and visual impact, residential amenity and garden ground, trees and landscape and maintenance) as set out in the report of handling for application 17/04088/FULL.

## CONSULTATION RESPONSES

Scottish Water

## REPRESENTATIONS

None

## CONCLUSION

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.

## DETAILED RECOMMENDATION

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

1. BEFORE ANY WORK STARTS ON SITE, details of the specification and colour of the proposed external finishes including the paving stones, seats, plaques, planters and statue shall be submitted for approval in writing by this Planning Authority.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the Conservation Area.

2. BEFORE ANY WORK STARTS ON SITE, details of the finish of the lowered wall hereby approved shall be submitted for the prior written approval of Fife Council as Planning Authority. FOR THE AVOIDANCE OF DOUBT, the coping stones that adorn the top of the section of wall that is to be removed shall be reused to finish the new lowered wall.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the Conservation Area.

3. BEFORE ANY WORKS START ON SITE, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in

writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

4. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the public garden hereby approved shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare shall be carried out in accordance with these approved details.

Reason: BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the public garden hereby approved shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare shall be carried out in accordance with these approved details.

## STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

National Guidance  
Scottish Planning Policy (Revised 2020)

Development Plan  
Adopted FIFEplan (2017)

Other Guidance  
Making Fifes Places Supplementary Guidance (2018)