

Development Management Sub Committee

Wednesday 27 October 2021

Application for Planning Permission 21/00297/FUL at Millbank Pavilion A and B Astley Ainslie Hospital, 143 Grange Loan. Proposed erection of fencing (fence A) (as amended)

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The application is in accordance with relevant Edinburgh Local Development Plan policies. It is compatible with the existing character of the area and has no adverse impact on neighbouring residential amenity. It would have no adverse effect on the character and appearance of the Grange Conservation Area or the setting of any nearby listed building. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN06, LEN12, LDES12, NSG, NSLBCA,

Report

Application for Planning Permission 21/00297/FUL at Millbank Pavilion A and B Astley Ainslie Hospital, 143 Grange Loan. Proposed erection of fencing (fence A) (as amended)

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The site lies to the south of Grange Loan and Newbattle Terrace and to the east of Canaan Lane. It lies within the grounds of Astley Ainslie Hospital. The hospital grounds are laid out with individual buildings, many of which are of historic interest and are listed, such as the category B listed Sentry Pavilions, surrounded by a designed garden environment. To the north of the site lies a terrace of three storey residential properties. There is an existing boundary fence along the rear of these properties with gates allowing access into the hospital grounds.

The proposal would be located in the north west corner of the hospital grounds, to the rear of the residential properties.

This application site is located within the Grange Conservation Area.

2.2 Site History

2 December 2019 - Application for planning permission refused for fences in the Astley Ainslie Hospital grounds (Application reference: 19/04857/FUL)

21 January 2021 - Application for planning permission pending for fences in the Astley Ainslie Hospital grounds (Application reference: 21/00298/FUL)

Main report

3.1 Description of the Proposal

It is proposed to erect a 1.8m high timber slatted fence along the boundary between the hospital and the dwelling houses that are situated on Grange Loan. The fence would broadly match the fence that currently forms the southern boundary of the dwelling houses and would create a double width boundary treatment due to its very close proximity to that fence. The installation of the new fence would prevent the use of the gates in the existing fence.

A supporting statement was submitted with the application and this can be viewed on the Planning and Building Standards Portal.

Scheme one proposed a fence that would run further to the west than what is now proposed. It was amended to have regard to nearby trees.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal would preserve the character and appearance of the conservation area;
- b) the proposal would have an adverse impact on the character or setting of a listed building;
- c) there is any loss to residential amenity;
- d) there would be any adverse effect on trees;
- e) the proposal would have an impact on human rights and equalities and
- f) any comments received have been addressed.

a) Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

LDP Policy Env 6 (Conservation Areas - Development) presumes against development that does not preserve or enhance the special character and appearance of the conservation area or that is inconsistent with the conservation area character appraisal.

Fence A would be concealed behind the rear gardens of the terrace of residential buildings that front onto Grange Loan. It would run against a fence of similar proportions and style. It would be formed in materials that would be appropriate for its setting and location. It would not be visible from the street and could only be readily viewed from within the hospital grounds. It would have no significant visual effect on the appearance of the Grange Conservation Area. In terms of character, timber fences are characteristic of the conservation area.

It complies with LDP Policy Env 6.

b) Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, 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"

LDP Policy Env 3 (Listed Buildings - Settings) seeks to prevent development from adversely affecting the setting of a listed building.

The fence would be set against the existing timber fence and would be a considerable distance from any listed building. It would form a functional boundary treatment and would not interrupt any views of the listed buildings within the hospital grounds. In these circumstances, the proposal would have no adverse impact on the setting of any nearby listed building.

The proposal would be in compliance with LDP Policy Env 3.

c) Neighbouring Amenity

LDP Policy Des 12 (Alterations and Extensions) states that planning permission will be granted for alterations and extensions to existing buildings which:

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building
- b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties
- c) will not be detrimental to neighbourhood amenity and character.

The height of the fence would be 1.8 m and would be the same height as the existing fence. It would have no adverse impact on daylight or sunlight entering the properties and their gardens to the north. The proposal would not reduce access to public footpaths or rights of way that cross the Astley Ainslie site. The opportunity to access the grounds of the hospital from the rear gardens of the properties on Grange Loan, whether in an emergency or otherwise, is not a material planning consideration.

The proposal complies with LDP Policy Des 12.

d) Trees

LDP Policy Env 12 (Trees) seeks to ensure development will not adversely affect a tree protected by a tree preservation order or any other tree worthy of retention.

The initial submission proposed that the fence would run east to west, beyond the extent of the existing fence, on a line that would take it near a mature tree. The scheme was amended to have regard to the protection of trees and the fence will not extend beyond the limit of the neighbouring fence. The amended scheme would have no adverse impact on nearby trees.

The proposal complies with LDP Policy Env 12.

e) Equalities and Human Rights

The proposal would have no adverse effect on equalities and human rights.

f) Public comments

Material Comments - objection

- Visual impact on the conservation area - assessed in section 3.3a
- Loss of amenity - assessed in section 3.3c;
- Impact on trees - assessed in section 3.3d

Non-Material Comments

- Necessity of development
- Maintenance of properties and land
- Health and safety
- Ownership/title deeds

Conclusion

The application is in accordance with the relevant policies contained within the Edinburgh Local Development Plan. It would be compatible with the existing character of the area and would have no adverse impact on neighbouring residential amenity. It would have no adverse impact on the character and appearance of the Grange Conservation area or the setting of any nearby listed building. There are no material considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Notwithstanding what is shown on the planning permission drawings, fence B and fence C are not approved as these do not form part of the application description.

Reasons: -

1. In order to ensure that the development granted planning permission matches the application description.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Eight comments were received, all in objection to the proposal.

Background reading/external references

- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is identified as being within the Grange Conservation Area, as identified in the Edinburgh Local Development Plan.

Date registered

21 January 2021

Drawing numbers/Scheme

01, 02A, 03,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

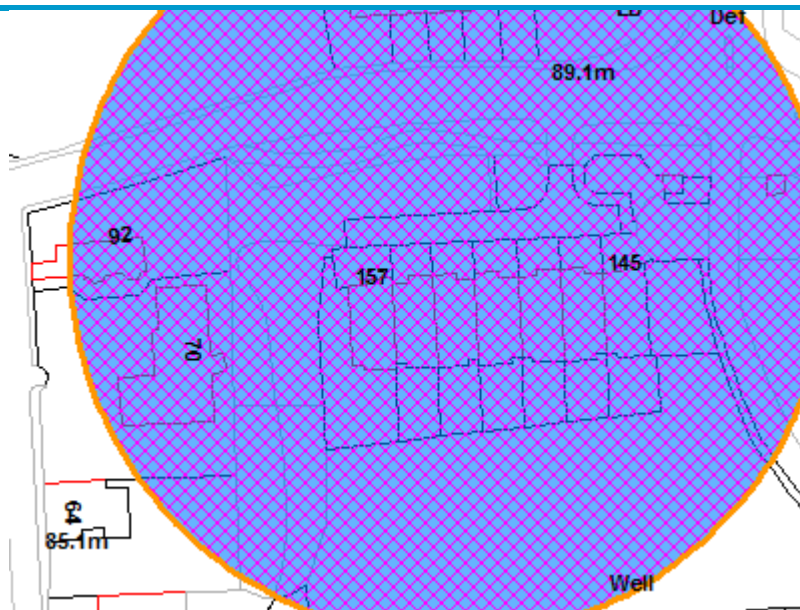
Appendix 1

Application for Planning Permission 21/00297/FUL at Millbank Pavilion A and B Astley Ainslie Hospital, 143 Grange Loan. Proposed erection of fencing (fence A) (as amended)

Consultations

No consultations undertaken.

Location Plan



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