

# Development Management Sub Committee

Wednesday 27 October 2021

**Application for Planning Permission 21/00298/FUL  
at Millbank Pavilion A and B Astley Ainslie Hospital, 143  
Grange Loan.**

**Proposed erection of fencing (fences B and C) (part in  
retrospect).**

**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 on 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, LEN04, LEN06, LDES12, NSG, NSLBCA,

# Report

## **Application for Planning Permission 21/00298/FUL at Millbank Pavilion A and B Astley Ainslie Hospital, 143 Grange Loan. Proposed erection of fencing (fences B and C) (part in retrospect).**

### **Recommendations**

---

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

### **Background**

---

#### **2.1 Site description**

The site forms part of the Astley Ainslie Hospital complex. It lies to the south of Grange Loan and Newbattle Terrace and to the east of Canaan Lane. The hospital grounds are laid out with individual buildings, some of which are statutorily listed, such as the category B listed Sentry Pavilions, within a designed garden environment. A terrace of three storey residential properties is situated to the north of the site, fronting onto Grange Loan.

This application site is located within the Grange Conservation Area.

#### **2.2 Site History**

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

21 January 2021 - Application for planning permission for a fence in the Astley Ainslie Hospital grounds pending (application reference: 21/00297/FUL).

### **Main report**

---

#### **3.1 Description of the Proposal**

It is proposed to erect fencing (fences B and C) at the Astley Ainslie Hospital.

Fence 'B' - a 1.3m high, timber fence would run north to south along the eastern boundary between the side garden of 145 Grange Loan and the hospital grounds.

Fence 'C' - a black, galvanised steel, fixed gate like feature would sit within the gap between two small gate piers which are located on the boundary between the front garden of 145 Grange Loan and the hospital grounds. This fence has already been erected.

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

### **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 of the listed building;
- c) there is any loss to residential amenity;
- d) the proposal would have an impact on human rights and equalities and
- e) any comments received have been addressed.

#### **a) Impact on the 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) seeks to ensure that development in a conservation area preserves or enhances the special character or appearance of the conservation area.

The fences would be visible from Grange Loan, although the timber fence would be partially screened by a mature hedge to the east of its proposed siting and would be located next to a modern housing development. It would have a domestic scale and appearance and would constitute a similar boundary treatment to the fencing that runs to the rear of the houses, which forms the boundary between the gardens and the hospital complex.

Given its proposed location at the periphery of the hospital, the fence would not compromise the designed garden setting of the hospital and would not adversely affect its open character.

The proposed timber fence would sit comfortably within its context and would not create an over-dominant or unsympathetic addition to the streetscape or the hospital complex.

The metal section of fencing has been installed between two, small gate piers to the west of the main entrance to the hospital grounds from Grange Loan. The two piers are formed in stone and are very modest in scale. The fence is a small and unassuming development that replicates the appearance of a gate, albeit that is fixed. Given its siting between the two piers, it creates a modest and sympathetic addition to this part of the boundary between the houses and the hospital. It does not create an incongruous or over-dominant addition to the streetscape or the hospital complex.

The proposals would preserve and enhance the character and appearance of the conservation area and are in compliance with LDP Policy Env 6.

#### b) Impact on the Character and Setting of Listed Buildings

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) requires proposals to be sympathetic to listed building. They will only be permitted where the works will not result in a detrimental impact on the architectural character, appearance or historic interest of the building, or to its setting.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) seeks to ensure works will not diminish the character of a listed building.

The positioning of the timber fence is such that it would be a significant distance from any listed structure within the hospital grounds and would be set behind a hedge and against the backdrop of a modern housing development. It would not negatively impact on the special character of the listed buildings or their settings.

The metal section of fencing has been positioned between the two gate piers, which are category C listed features. The fence is a very modest addition, formed of high quality and appropriate materials. It matches a functional gate in terms of scale and appearance, and it has no adverse effect on the character of the listed building.

The proposal would be in accordance with LDP Policies Env 3 and Env 4.

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 timber fence is suitable and commensurate with its immediate surroundings. It would not result in any loss of light for the residents of Grange Loan and would not negatively impact on the amenity of the site. The siting of the fence is acceptable, as it would be placed on the unfenced boundary line between the Astley Ainslie Hospital grounds and 145 Grange Loan, providing a delineation of the boundary. The proposed fence would not reduce access to footpaths that cross the Astley Ainslie site.

The metal fence would not impact on neighbouring amenity in terms of light or overshadowing. The fence would not prevent access to footpaths in the Astley Ainslie site, but would create a defined boundary for the hospital at this location.

Although the timber fence would be sited within a parcel of land that is currently bounded on the hospital side by a mature hedge, which restricts access, there is no statutory protection afforded to the hedge and it could be removed or reduced in height or length without consent from the Council. In such circumstances, maintenance of the fence and the area of ground to the east of the fence would be the responsibility of the applicants. It would not be a material reason for refusal in these circumstances.

The proposal complies with LDP Policy Des 12.

#### d) Equalities and Human Rights

This application was assessed in terms of equalities and human rights. No impacts were identified.

#### e) Public Comments

##### **Material Comments - objections**

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

##### **Non-Material Comments**

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

#### Conclusion

The proposal is in accordance with the 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 or on the setting of any nearby listed building. The development would have no adverse effect on the character and appearance of the Grange Conservation Area or on the character or 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 A is not approved as it does 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.
4. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.

## **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. Material considerations are assessed in section 3.3

## **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 located within the Grange Conservation Area, as defined within the Local Development Plan.

### **Date registered**

21 January 2021

### **Drawing numbers/Scheme**

01-03,

## **David Givan**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Stuart Talbot, Planning Officer

E-mail: [stuart.talbot@edinburgh.gov.uk](mailto:stuart.talbot@edinburgh.gov.uk)

## **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 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

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 21/00298/FUL  
at Millbank Pavilion A and B Astley Ainslie Hospital, 143  
Grange Loan.  
Proposed erection of fencing (fences B and C) (part in  
retrospect).**

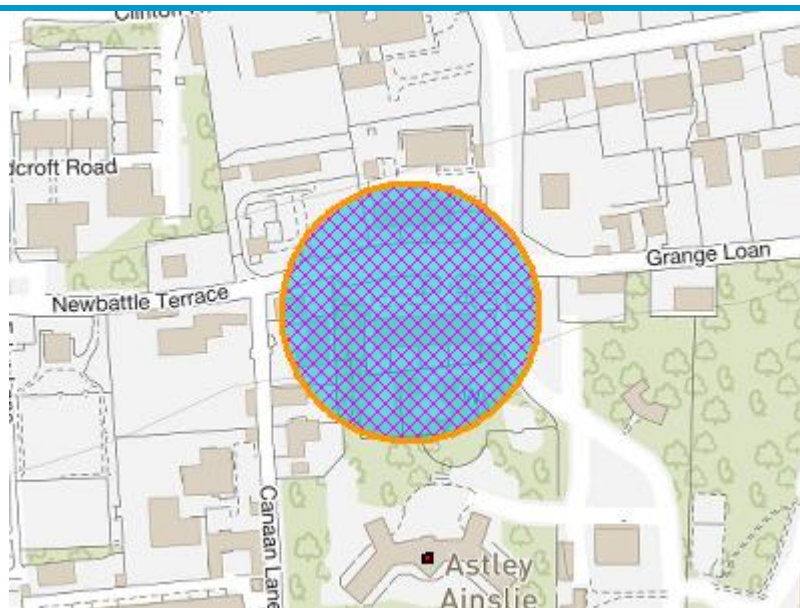
## Consultations

---

No consultations undertaken.

## Location Plan

---



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420  
**END**