

Full Planning Application 07/02210/FUL

at

7 Old Assembly Close

Edinburgh

EH1 1QX

Development Management Sub-Committee of the Planning Committee

1 Purpose of report

To consider application 07/02210/FUL, submitted by City Of Edinburgh Council. The application is for: **172 High Street - Removal of existing fencing, erection of new fencing around perimeter of playground and erection of replacement playhouse (in retrospect) at 7 Old Assembly Close**

It is recommended that this application be **GRANTED** subject to the conditions below.

2 The Site and the Proposal

Site description

The property is the Cowgate Nursery, which is a modern single storey building at the north side of Tron Square, bounded by Bell's Wynd to the East and Old Assembly Close to the West. The Tron Square housing development lies to the south. It sits on a slightly raised terrace looking south towards four storey tenements on Tron Square. To the north are the tenements on the High Street (commercial with flats above), to the west is the Faculty of Advocates, and to the east is the Fringe Society with flats above.

The site is within the World Heritage site.

The nursery is owned and run by the City of Edinburgh Council.

This property is located within the Old Town Conservation Area.

Site History

99/01746/FUL - Consent granted on 14 June 2000 to erect a nursery building to include external play area.

03/04333/CEC - Upgrading of school play ground facilities, in retrospect, approved 10.03.2004

05/00439/CEC - Installation of timber pergola in nursery, approved 22.04.05

Description of the Proposal

It is proposed to remove the existing fencing and install replacement fencing around the perimeter of the site. The new fencing will be security fencing specifically designed for schools and playgrounds. It is constructed of galvanised steel with a black finish. It is to run along the southern perimeter of the site and will be 2m in height with the exception of the south east corner where it will rise to 2.4m. The new fencing is required as a result of recommendations from the Crime Prevention Officer of Lothian and Borders Police. The police were consulted following incidents in the nursery grounds when unauthorised people entered the facilities and on one occasion set fire to an existing playhouse.

A new replacement playhouse has been in place for several months. Following an investigation by Planning Enforcement, it was agreed that planning permission (in retrospect) is required for this playhouse.

The new playhouse is located in the south east corner of the site, close to the steps in Bell's Wynd. It covers an area of 4.5m x 3.1m including a fenced veranda and is just less than 3.6m in height. The previous playhouse had a footprint of approximately 3.3m x 3.5m. It is two storeys in height with a pitched roof and is constructed in timber with Perspex glazing to the window openings.

3 Officer's Assessment and Recommendations

Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If not, there is a presumption against the granting of permission. For the purposes of this issue, "preserve", in relation to the building, means preserve it either in its

existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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?

ASSESSMENT

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

a) The proposals adversely affect the character and appearance of the conservation area?

b) The proposals adversely affect the amenity of neighbours?

a) The proposed new railings are of a simple design and will be painted black. They are replacing existing railings running along the southern perimeter of the site. They will not adversely affect the character or appearance of the nearby listed buildings or the conservation area.

The new playhouse is a replacement for one of three sheds which were approved in a previous consent (03/04333/CEC). At the time it was considered that two of the three timber sheds were particularly conspicuous and out of character in this location. However, a 5 year temporary consent was given for them with a condition that they be painted green to match the third shed. This replacement playhouse has been located in a different location within the site than shown on the approved plans. This location is not prominent and it lies immediately adjacent to the main nursery building. It is no higher than the main nursery building.

Given the limited nature of the works, it is not considered that there is any detrimental impact on the settings of any listed buildings.

b) In terms of residential amenity, the railings will improve the security of the area and the playhouse does not raise any issues which would be detrimental to the amenity of neighbouring residents, given that it is used for supervised children's play only during the hours of operation of the nursery. There will be a limited amount of overshadowing from the playhouse across Bell's Wynd and one window in the Lord Reid building. Given the high density nature of buildings surrounding the site, there is already significant overshadowing and the playhouse will not significantly add to this.

In conclusion, the new railings are acceptable and will not detract from the character and appearance of the conservation area or the nearby listed buildings. The playhouse is acceptable in terms of its design, function and appearance.

It is recommended that the Committee approves this application. Whilst this is a Council development, it is not a departure from the development plan and there has not been a substantial body of objections. There is no requirement to notify ministers.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Ian Dryden on 0131 529 3996
Ward affected	A11 - City Centre (NEW)
Local Plan	Central Edinburgh Local plan
Statutory Development Plan Provision	Mixed Activities
Date registered	30 May 2007
Drawing numbers/ Scheme	1-3 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Ian Dryden on 0131 529 3996. Email ian.dryden@edinburgh.gov.uk

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail gavin.king@edinburgh.gov.uk or carol.richardson@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: 7 Old Assembly Close
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Proposal: 172 High Street - Removal of existing fencing, erection of new fencing around perimeter of playground and erection of replacement playhouse (in retrospect) at 7 Old Assembly Close

Reference No: 07/02210/FUL

Consultations, Representations and Planning Policy

Consultations

No consultations were undertaken.

Representations

The application was advertised on 8 June 2007. Three letters of representation were received, from the Tron Square Community Association, the Faculty of Advocates and a local resident.

The grounds of objections which are considered material planning consideration are:

- The design and appearance of the fencing and the playhouse are not in keeping with the character of the conservation area, the setting of the adjacent listed buildings or the modern design of the nursery.

This is addressed in assessment para. a)

The other issues raised relating to the possible fire hazard of the playhouse, the loss of view and the management of the nursery are not material planning considerations.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The site is identified by the **Central Edinburgh Local Plan** as being within the Mixed Activities Zone.

In the Finalised Edinburgh City Local plan it is within the Central Area.

Relevant Policies:

Relevant policies of the Central Edinburgh Local Plan.

Policy CD4 (CONSERVATION AREAS) requires that developments in a conservation area retain all features which contribute to the area's character and appearance.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

Policy CD17 (MATERIALS) sets out requirements for materials in new developments and seeks a greater use of stone, roofing slate and other traditional materials in appropriate cases.

Policy CD19 (BUILDING ALTERATIONS) sets out requirements for the design, form, materials and positioning of alterations and extensions.

Policy CS3 (COMMUNITY SERVICES - GENERAL) supports, and sets out criteria for assessing, development for a non residential medical or educational purpose, including the provision of childcare facilities to satisfy wider commercial demand.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Relevant policies of the Finalised Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Policy Env 5 (Conservation Areas – Development) sets out criteria for assessing development in conservation areas.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

Non-statutory guidelines on 'COMMUNITY SAFETY' provides guidance on the community safety aspects of new development proposals in support of statutory development plan policies.

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Conditions/Reasons associated with the Recommendation

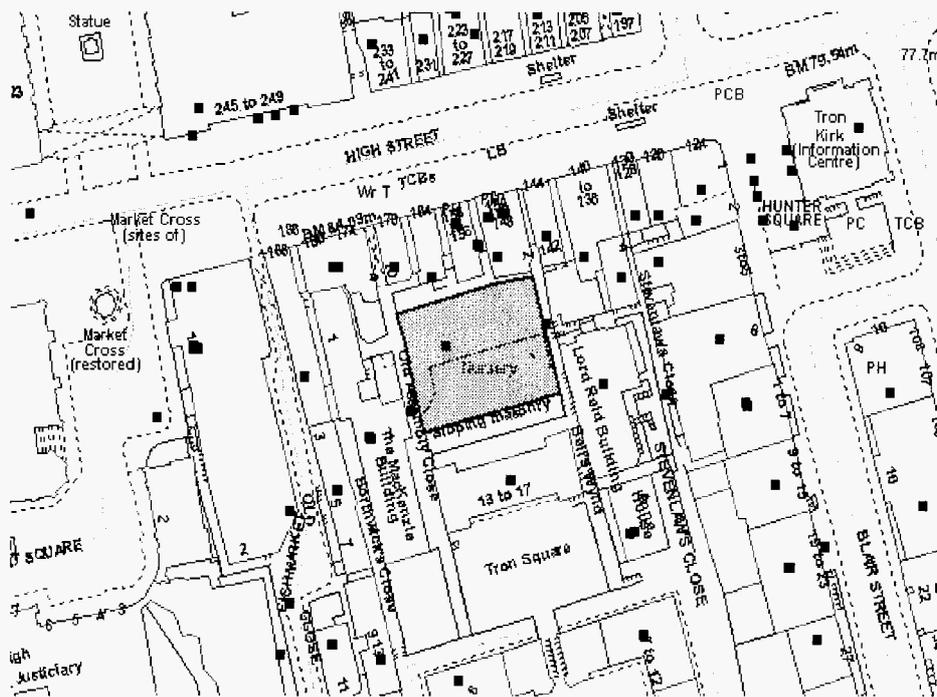
Recommendation

It is recommended that this application be GRANTED subject to the conditions below.

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Location Plan

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