

REPORT TO: Planning Committee
MEETING DATE: Tuesday 7 May 2013
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

Application No. **13/00092/LBC**

Proposal Formation of hardstanding area, erection of gate, piers and part demolition of wall

Location **Boundary Wall between Yester Estate and Park Road Gifford**

Applicant Gifford Community Council

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to part of the boundary wall of the Yester Estate between the Estate and Park Road in Gifford. The wall by its historical association with Yester House, a Category A listed building, is also listed as being of special architectural or historic interest (Category A).

Listed building consent is sought for (i) the demolition of a 1.2m wide length of wall to facilitate a pedestrian access through the wall, (ii) the formation of gate piers on the south side of the wall on either side of the proposed pedestrian access, (iii) the installation of a black painted wrought gate within the proposed opening and (iv) the formation of an associated hardsurfaced area through the opening.

Through separate application 13/00092/P planning permission is sought for the proposed pedestrian access, gate piers, gate and hardsurfaced area. A report on application 13/00092/P is at this time on the Committee Expedited List.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policy ENV1C (International and National Historic or Built Environment Designations) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policy ENV3 (Listed Buildings)

of the adopted East Lothian Local Plan 2008 are relevant to the determination of this application.

Material to the determination of the application is Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in the Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: February 2010.

The Scottish Historic Environment Policy and Scottish Planning Policy echo the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

There are 6 letters of objection to the application. The grounds of objection include;

(i) the pedestrian access would result in a hazard for schoolchildren walking to Yester Primary School and for children who play on Park Road,

(ii) the proposed gateway does not connect with the adopted core path which is parallel to the drive,

(iii) the new access will attract undesirables and increase vandalism in the area,

(iv) there would be an increase in car parking adjacent to the proposed gateway would affect the ability of the refuse lorries and emergency vehicles to turn around,

(v) there is no need to knock down a bit of wall when there is an existing access next to Walden Terrace,

(vi) who will pay for the project,

(vii) loss of privacy,

(viii) excessive litter and dog fouling,

(ix) the safety of walkers as many of the trees are diseased and likely to fall,

(x) the loss of trees,

(xi) the closure of the existing access to the Yester Estate,

(xii) there is existing Access legislation which enables responsible public access to the woodland footpaths,

(xiii) concerns regarding the structural integrity of the wall.

Through the determination of an application for listed building the Council as the determining authority is limited to assessing the impact the works proposed would have on the special architectural or historic interest of the listed building to which the application relates. Therefore none of the matters raised in the letters of objections are material considerations in the determination of this application for listed building consent.

The formation of the opening for the proposed new access would be carried out by removing a section of wall to form a 1.2 metres wide gap and rebuilding the edges of the opening with existing stone from duntakings in matching random rubble coursing. The proposed gate piers, also to be built in stone from duntakings, would match the coursing of the existing wall. They would be erected on the south elevation of the wall, to each side of the proposed access. The proposed gate to be installed within the proposed access would be a black painted wrought iron gate that would be some 1.2m in width and at its highest point would be some 2m in height.

The formation of the pedestrian access would result in the loss of the 1.2 metres length of wall. However it would be only a very small proportion of the much longer length of the boundary wall enclosing the Yester Estate. It would not be an unusual or incongruous feature of an estate wall of this type. In this the formation of the opening for the opening for the pedestrian access would not be harmful to the special architectural or historic interest of the wall, a Category A listed building.

In their form, size, scale and positioning, in being built with stone from duntakings and in being coursed to match the existing wall, the proposed gate piers would be appropriately constructed. They would not be harmful to the special architectural or historic interest of the listed building.

The proposed gate is designed to be in keeping with the design of other gates in the walls of the Yester Estate. In its design, its use of a traditional, black painted wrought iron construction and its size and scale the appearance of the proposed gate would not be harmful to special architectural or historic interest of the listed building.

The proposed hardsurfacing would be in the form of a tarmac surface that would be laid on the ground to the width and depth of the proposed pedestrian access. It would be small in size and scale. It would be a small extension to the existing tarmac hardsurfacing of Park Road. It would not be harmful to the special architectural or historic interest of the listed building.

Historic Scotland raise no objection to the application and thus do not consider that it would be harmful to the special architectural or historic interest of the Category A listed wall.

The proposed demolition of part of the wall, the installation of the gate, the formation of the gate piers and the hardsurfacing are consistent with Policy ENV1C of the approved Edinburgh and the Lothians Structure Plan 2015, Policy ENV3 of the adopted East Lothian Local Plan 2008, The Scottish Historic Environment Policy: December 2011 and Scottish Planning Policy: February 2010.

RECOMMENDATION:

That listed building consent be granted subject to the following condition:

- 1 The works to implement this listed building consent shall begin before the expiration of 3 years from the date of this grant of listed building consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997