

Development Management Sub Committee

Wednesday 29 August 2018

Application for Planning Permission 18/02098/FUL

At 47A South Clerk Street, Edinburgh, EH8 9NZ

The relocation of an air conditioning unit on the rear wall (as amended).

Item number	4.5(a)
Report number	
Wards	B15 - Southside/Newington

Summary

The proposal complies with the development plan and non-statutory guidance. The proposal will preserve the character and appearance of the conservation area and will have no adverse impact on the character of the listed building. The applicant will relocate the AC unit to a location that will have less of an impact on neighbouring residential amenity.

Links

Policies and guidance for this application	LDPP, LEN04, LEN06, NSG, NSLBCA, NSBUS, OTH, CRPSSI,
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Report

Application for Planning Permission 18/02098/FUL At 47A South Clerk Street, Edinburgh, EH8 9NZ The relocation of an air conditioning unit on the rear wall (as amended).

Recommendations

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

Background

2.1 Site description

The application site is a ground floor commercial unit in a mid 19th century tenemental property. The area is characterised by commercial units at street level with residential units above. There is a residential property in the basement below the application site.

The property was B listed on 29 April 1977 (ref. 28552)

This application site is located within the Southside Conservation Area.

2.2 Site History

09 March 2017 - permission and consent granted to install new shop frontage (as amended) (Application ref number: 17/00127/FUL and 17/00127/LBC).

18 August 2017 - Planning permission and listed building consent refused and enforced for the installation of 3 no Air Conditioning Units to rear wall of property. (Application ref number: 17/02202/FUL & 17/02202/LBC).

17.01.2018 - the appeal on the listed building consent application 17/02202/LBC is dismissed by the Scottish Government's Planning and Environmental Appeals Division (DPEA).

28.02.2018 - the decision to refuse and enforce the planning application 17/02202/FUL is upheld at the local review body. (LRB).

16 May 2018- Enforcement enquiry closed with respect to works refused and enforced in applications 17/02202/FUL & 17/02202/LBC (Enforcement ref: 17/00182/ELBB).

Relevant Planning History of Neighbouring Properties.

49 South Clerk Street

01 August 2014 - Permission granted for alteration to external plant and installation of vent louvre to window opening. Change of colour to shop front and alterations to entrance door to remove step. (Application ref number: 14/00881/FUL and 14/00881/LBC)

Main report

3.1 Description Of The Proposal

Scheme 2

The current application is in response to the refusal of the previous Planning application and Listed Building Consent. It proposes one AC unit to be externally mounted around the corner to the south of the location of the one AC unit that is still in situ.

Scheme 1

The proposal as initially submitted was for the retention of the one AC unit that is still in situ in its current location to the right of one of the rear windows of the commercial unit and above a window to the downstairs flat.

Supporting Statement

As part of this application the following documents have been submitted which are available to view on Planning and Building Standard's 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.

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

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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?

3.3 Assessment

- a) the principle of the development is acceptable in this location;
- b) the proposals will preserve or enhance the conservation area;
- c) the proposals will impact on the character and fabric of listed buildings;
- d) the proposals will result in an unreasonable level of neighbouring residential amenity;
- e) any impacts of equalities and human rights have been addressed; and
- f) any comments raised have been addressed.

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

a) The Acceptability of the Principle of the Development in this Location

The application relates to an established commercial use and is not associated with any application for a change of use. The business is a print shop and a number of large machines are required to operate the business. They generate significant heat and the premises require cooling. As a result of the previous decisions, the applicant has removed two out of the three units as requested, and now operates with the one that is the subject of the application.

It is accepted that some plant associated with this business is necessary and appropriate, subject to compliance with points addressed below.

b) The Impact on the Character and Appearance of the Conservation Area

The South Side Conservation Area Character Appraisal notes that the *more formal block pattern reduces permeability and gives a more urban feeling to the area. This feeling is increased by the lack of open spaces within the area.*

Policy Env 6 of the Local Development Plan (LDP) supports development that would preserve or enhance the character and appearance of the conservation area.

The area is characterised by commercial units at ground floor level and there is a certain degree of associated plant and flues to the rear of these properties that is characteristic of the area. The units cannot be seen from the street. The overall character of the wider conservation area will not be significantly impacted by the addition of these AC units.

c) The Impact on the Character and Fabric of the Listed Building

Scheme 2 proposes relocating the remaining AC unit to a more discreet location tucked around a corner. The hanging of the units has already caused some damage to the stone work and relocating the remaining unit would necessitate further fixings to the stone. However the benefit of locating the AC unit in a more appropriate location outweighs the issues of damage to the stone. A condition is added to ensure information is submitted with respect to stone repairs.

d) Neighbouring Amenity

The application is not associated with any change of use and as such no conditions can be added with respect to noise. However the relocating of the unit away from a position above the window of the downstairs neighbour will reduce the impact on that neighbour.

e) Equalities and Human Rights Issues

The application has been assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impact Assessment Summary is available to view on the Planning and Building Standards Online Services.

f) Public Comments

Material objections

- Visual Impact on the listed building - this has been addressed in sections 3.3.b).
- Damage to the listed building - this has been addressed in sections 3.3.b).
- Impact on character of the conservation area - this has been addressed in sections 3.3.c).
- Overshadowing - the scheme has been amended to relocate the unit and this is addressed in section 3.3.d).
- Insufficient information on drawings - this has been addressed by the submission of a further drawing.

Non-material objections

Non-material objections relate to noise.

Conclusion

In conclusion the proposal complies with the development plan and non-statutory guidance. The proposal will preserve the character and appearance of the conservation area and will have no adverse impact on the character of the listed building. The applicant will relocate the AC unit to a location that will have less of an impact on neighbouring residential amenity.

The recommendation is subject to conditions on repair to stonework.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Details of stone repairs shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.

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. 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.
3. 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.

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

The application was advertised on 25 May 2018. In all there have been ten letters of objection from neighbours and one letter of objection from the Architectural Heritage Society of Scotland

There have been no comments from the Community Council.

A full assessment of the representations can be found in the main report in the Assessment section.

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 a town centre in the urban area as defined by the Local Development Plan.

Date registered

10 May 2018

Drawing numbers/Scheme

1, 3,

Scheme 2

David R. Leslie

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 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.

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.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Other Relevant policy guidance

The South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

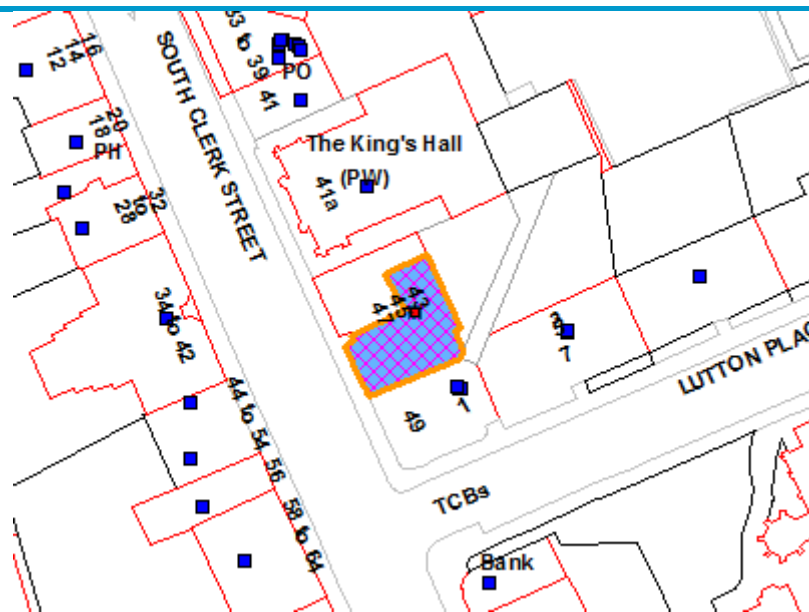
Appendix 1

**Application for Planning Permission 18/02098/FUL
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Consultations

No consultations undertaken.

Location Plan



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