

Development Management Sub Committee

Wednesday 29 August 2018

**Application for Listed Building Consent 18/02098/LBC
At 47A South Clerk Street, Edinburgh, EH8 9NZ
To relocate an air conditioning unit on the rear wall (as amended)**

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

Summary

The proposal complies with the 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.

Links

[Policies and guidance for this application](#) NSG, NSLBCA, OTH, CRPSSI,

Report

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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 numbers 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 numbers 17/02202/FUL & 17/02202/LBC).

17 January 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) (appeal reference LBA-230-2117).

28 February 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 reference: 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 numbers 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.

3.2 Determining Issues

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

3.3 Assessment

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

- a) the proposals will impact on the character and fabric of listed buildings;
- b) the proposals will preserve or enhance the conservation area;
- c) any impacts of equalities and human rights have been addressed; and
- d) any comments raised have been addressed.

a) 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.

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.*

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) 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.

d) 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).
- Insufficient information on drawings - this has been addressed by the submission of a further drawing.

Non-material objections

- Non-material objections relate to noise and overshadowing.

Conclusion

In conclusion the proposal complies with the 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 a visual impact.

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 repair 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

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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 five 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 - 2,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

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.

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 Listed Building Consent 18/02098/LBC At 47A South Clerk Street, Edinburgh, EH8 9NZ To relocate an air conditioning unit on the rear wall (as amended)

Consultations

Historic Environment Scotland

Our Advice

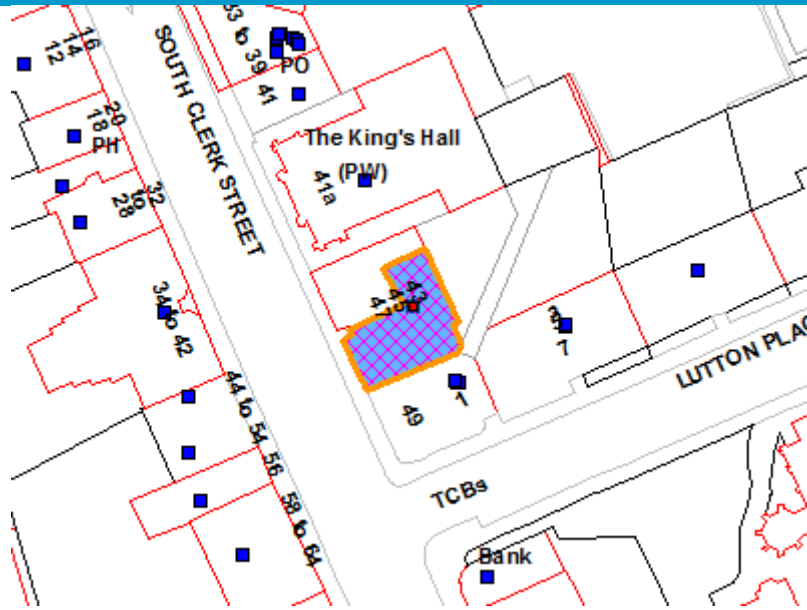
We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes. Technical advice is available on our Technical Conservation website at <https://www.engineshed.org/>.

Location Plan



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