

Development Management Sub Committee

Wednesday 4 March 2020

Application for Planning Permission 19/04781/FUL at 15 Dalry Road, Edinburgh, EH11 2BQ Installation of external ducts (as amended)

Item number

Report number

Wards

B07 - Sighthill/Gorgie

Summary

The ventilation ducts, by virtue of their form and location, preserve the listed building and its setting and do not adversely affect any features of special architectural or historic interest. The amended proposal has regard to the features on the building's elevations and has an acceptable impact on the character and appearance of the conservation area. The proposal will not result in a materially detrimental effect on the living conditions of nearby residents. The proposal complies with the development plan and there are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LEN04, LEN06, NSG, NSBUS, NSHOU, NSLBCA, CRPDC,

Report

Application for Planning Permission 19/04781/FUL at 15 Dalry Road, Edinburgh, EH11 2BQ Installation of external ducts (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 restaurant located on Dalry Road, with its rear elevation to Walker Terrace. The building is Category B listed (LB26746 / Date Added: 29 April 1977).

The Colonies are architecturally uniform and predominantly residential in character except for commercial premises fronting Dalry Road. The site is located within and effectively marks the northernmost end of the Gorgie / Dalry Town Centre. Land to the northeast is vacant but planning permission, subject to legal agreement for a mixed-use development (application reference: 19/02623/FUL), has been granted.

This application site is located within the Dalry Conservation Area.

2.2 Site History

8 January 1997 - planning permission granted for the change of use of a shop to a restaurant (application reference: A/02166/96)

19 August 2010 - planning permission granted for alterations to shopfront and installation of external ventilation ducts (as amended to remove ventilation ducts) (application reference: 10/01679/FUL)

03 October 2019 - planning application for the installation of external duct withdrawn (application reference: 19/03720/FUL)

Installation of external ducts (as amended) pending consideration (application reference: 20/00001/LBC)

Main report

3.1 Description of the Proposal

The application proposes the installation of two, black finished, ventilation ducts to the façade and slate roof of 15 and 16 Walker Terrace which form the rear elevation of 15 Dalry Road.

Previous schemes:

Scheme 1 proposed the installation of a single rectangular ventilation duct finished in a stone colour. Scheme 2 proposed two circular ventilation ducts finished in a stone colour. Scheme 3 proposed finishing the two circular ventilation ducts in a stone colour and black.

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 has regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest;
- b) it preserves or enhances the character or appearance of the conservation area;
- c) it will have a materially detrimental effect on the living conditions of nearby residents and
- d) the report has addressed all material considerations raised in letters of representation.

a) Impact on the Listed Building

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"*.

Local Development Plan (LDP) Policy Env 4 (Listed Buildings - Alterations and Extensions), permits alterations to listed buildings when they are justified, in keeping with its character and can be undertaken without damage to historic structures or diminution of interest.

The site, being situated at the end of a terrace and in close proximity to a two-storey high retaining wall, has a comparatively discreet location, and the introduction of the two ventilation ducts, that are designed to reflect the architectural features found on the building's elevations, would not constitute an overly dominant or unsympathetic addition.

The ventilation ducts, by virtue of their form and location, have regard to the desirability of preserving the listed building and its setting and do not adversely affect any features of special architectural or historic interest. The proposal complies with LDP Policy Env 4.

b) Impact on the Conservation Area

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"*.

LDP Policy Env 6 (Conservation Areas - Development), permits development which preserves or enhances the character or appearance of the conservation area. The Colony Conservation Areas Character Appraisal emphasises the historic importance and unique architectural form of the Colony developments in Edinburgh. They are typified by their enclosed setting, their small-scale layout, high quality workmanship, detailed control of design and pedestrian emphasis.

The Dalry Colonies form a uniform and architecturally consistent development, with the streetscape pattern of the original concept intact. Frontages onto Dalry Road have been subject to significant changes in terms of shopfront and advertisement alterations and are distinct in character from the rest of the Colonies. The street pattern of the Colonies creates dual fronted buildings, with pedestrian access and permeability creating their unique character. The frontages are relatively plainly detailed, but are punctuated with rainwater goods which are predominantly finished in black.

The amended proposal has secured a design which reflects the existing architectural features evident across the facades of the Dalry Colonies houses and these ventilation ducts in this comparatively discreet location preserve the character and appearance of the conservation area. The proposal complies with LDP Policy Env 6.

c) Impact on Residential Amenity

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), restricts developments which would have a materially detrimental effect on the living conditions of nearby residents. The Non-statutory Guidance for Businesses states that establishments with cooking on the premises must satisfy ventilation requirements to ensure that they do not adversely affect residential amenity.

The existing ventilation duct runs through the building and exhausts through the chimney stack. The need to improve the ventilation capabilities within the premises and mitigate escaping effluvia is constrained by the dimensions of the chimney stack. The proposal will increase ventilation performance and achieve a minimum of 30 air changes per hour in the kitchen, with a minimum efflux velocity of 15m/s at the termination point which will be at chimney stack level. Environmental Protection was consulted on the application and raised no objection subject to a condition and informatives to protect existing levels of residential amenity.

The proposal will not result in a materially detrimental effect on the living conditions of nearby residents and complies with LDP Policy Hou 7 subject to the inclusion of the condition and informatives.

d) Public Comments

Eight timeous letters of representation objecting to the proposal were received. Material planning considerations raised have been summarised below.

- Detrimental impact on the character and appearance of the listed building - this is addressed within paragraph a) of Section 3.3 of this report.
- Detrimental impact on the character and appearance of the conservation area - this is addressed within paragraph b) of Section 3.3 of this report.
- Adverse effect on residential amenity from noise, vibration, smoke and odour - this is addressed within paragraph c) of Section 3.3 of this report.
- Re-siting of the ventilation ducts to the Dalry Road elevation - the proposal is required to terminate at chimney stack to maintain existing levels of residential amenity. The Dalry Road elevation, out with the commercial premises, is comparatively unaltered and the proposal would have an adverse effect on the character and appearance of the listed building and conservation area by virtue of its more prominent location.

3.3.1 Conclusion

The ventilation ducts, by virtue of their form and location, preserve the listed building and its setting and do not adversely affect any features of special architectural or historic interest. The amended proposal has regard to the features on the building's elevations and has an acceptable impact on the character and appearance of the conservation area. The proposal will not result in a materially detrimental effect on the living conditions of nearby residents. The proposal complies with the development plan and there are no material considerations that outweigh this conclusion

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The extract flue and ventilation system, capable of 30 air changes per hour in the kitchen area and 15m/s efflux velocity at the termination point, as set out on Drawing P/L2019/18/02B dated October 2019, shall be implemented prior to the use of the equipment.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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.
4. 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.
5. This application relates to a flatted building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.
6. The noise from all plant will comply with NR25 within the nearest residential property (with window partially open for ventilation purposes).
7. A jet cowl shall be installed to ensure that a good efflux velocity is achieved and no rainwater enters the extract system.

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

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Eight timeous letters of representation objecting to the proposal were received.

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 Urban Area as identified by the Edinburgh Local Development Plan, the Gorgie / Dalry Town Centre and the Dalry Colonies Conservation Area.

Date registered

7 October 2019

Drawing numbers/Scheme

01, 02C,

Scheme 4

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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 Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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 '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.

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Colony Conservation Areas Character Appraisals emphasise the historic importance and unique architectural form of the Colony developments in Edinburgh. They are typified by their enclosed setting, their small scale layout, high quality workmanship, detailed control of design and pedestrian emphasis.

Appendix 1

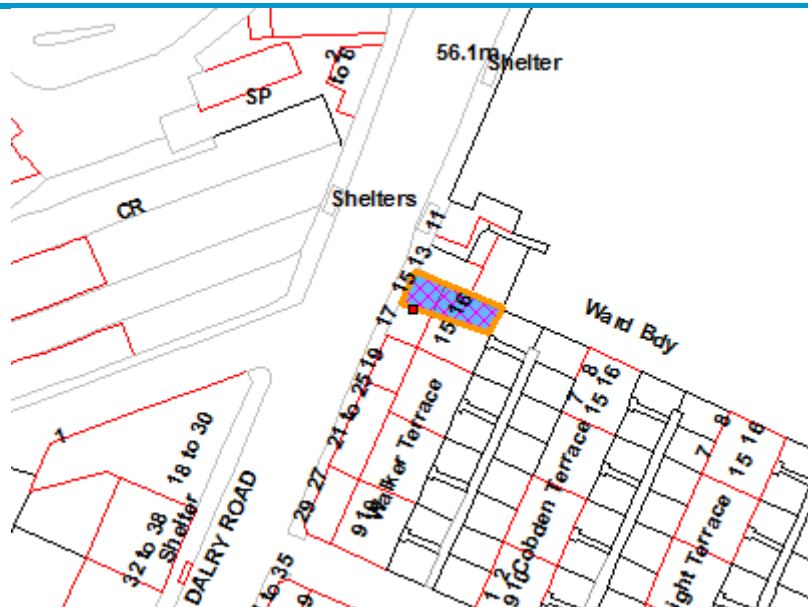
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Consultations

Environmental Protection (10 January 2020) No objection subject to the attachment of a condition and informatives

It is proposed to change the route the existing commercial flue takes through the building. The current flue is internal and travels up through the old chimney stack and terminates at chimney pot level. This application proposes to re-route the ducting externally to the same chimney pot level. The applicant will use the same plant as before so there will be no more noise generated than is currently the case. The applicant has advised that the change to the flue will increase its performance and ensure a minimum of 30 air changes per hour is achieved in the kitchen with a minimum efflux velocity of 15m/s at the termination point.

Location Plan



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