



BSD Associates FAO: Oliver Shields The Old School House 46 WellIshot Drive Cambuslang Glasgow G72 8BN Mr Guiseppie Crolla 169 Bruntsfield Place Edinburgh Scotland EH10 4DG

Decision date: 9 September

2020

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Proposed alterations to existing takeaway. Renew existing extract flue with new galvanized external duct terminated with cowl 1000mm above eaves. At 169 Bruntsfield Place Edinburgh EH10 4DG

Application No: 20/01190/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 10 March 2020, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **mixed decision** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

- 1. This permission relates to shopfront and stallriser only.
- 1. In order to recognise the elements of the application which are compatible with the character of the listed building and conservation area..

Reason for Refusal:-

- 1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings Alterations and Extensions, as the proposed alterations will not be in keeping with the rest of the buildings, will cause unnecessary harm to the historic structure and diminution of its interest and are not justified.
- 2. The proposed external galvanized duct fails to preserve the character and setting of the listed building and fails to preserve or enhance the character and appearance of the conservation area.

Please see the guidance notes on our <u>decision page</u> for further information, including how to appeal or review your decision.

Drawings 1-5, represent the determined scheme. Full details of the application can be found on the <u>Planning and Building Standards Online Services</u>

The reason why the Council made this decision is as follows:

The proposed alterations on the rear elevation do not comply with the development plan and non-statutory guidance whilst those on the shopfront front do. The proposals to the shopfront will preserve the character and appearance of the conservation area but the proposals to the rear will have a detrimental impact on the character and appearance of the conservation area and to the character of the listed building.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Jennifer Zochowska directly at jennifer.zochowska@edinburgh.gov.uk.

Chief Planning Officer

DR Leelie

PLACE

The City of Edinburgh Council

NOTES

- 1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.
- 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission 20/01190/FUL At 169 Bruntsfield Place, Edinburgh, EH10 4DG Proposed alterations to existing takeaway. Renew existing extract flue with new galvanized external duct terminated with cowl 1000mm above eaves.

Item Local Delegated Decision

Application number 20/01190/FUL

Wards B10 - Morningside

Summary

The proposed alterations on the rear elevation do not comply with the development plan and non-statutory guidance whilst those on the shopfront front do. The proposals to the shopfront will preserve the character and appearance of the conservation area but the proposals to the rear will have a detrimental impact on the character and appearance of the conservation area and to the character of the listed building.

Links

Policies and guidance for this application LDPP, I

LDPP, LDES13, LEN06, LEN04, NSG, NSBUS, NSLBCA, OTH, CRPMAR,

Report of handling

Recommendations

1.1 It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

Background

2.1 Site description

Hippolyte Jean Blanc, begun 1882. 7, 4-storey and attic tenements with curved frontage including corner tenement and shops at ground floor, 17th century/Queen Anne details. (Lb ref 26861) Category B and was listed on 12 December 1974

This application site is located within the Marchmont, Meadows And Bruntsfield Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal is for alterations to the shop front to replace the existing fascia board and signage. A new galvanized external duct terminated with cowl 1000mm above eaves is proposed to the rear of the building.

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, it needs to be considered whether:

- a) the proposal will preserve or enhance the character or appearance of the conservation area:
- b) the proposals will have an adverse impact on the character of the listed building;
- c) there will be any adverse impact on residential amenity; and
- d) any comments made have been addressed.

a) Conservation Area

Policy Env 6 of the LDP states that development within a conservation area will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

Policy Des 13 of the LDP states that planning permission will be granted for alterations to shopfronts, which are improvements on what already exists and relate sensitively and harmoniously to the building as a whole.

Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal identifies Bruntsfield as *principally residential with shops and other commercial activities* occupying ground floor units of tenement properties on the principal roads. The original features on these older buildings should be preserved and reinstated into the new design. In this case the new fascia fits into the existing proportions within this row of shops which have retained many of their traditional features and architectural details. The existing stallrisers and cornicing is to be retained in the new shop front. The proposed materials complement the existing shopfronts. This accords with LDP Policies Env 6 and Des 13

The existing business uses a duct, which rises up a chimney. The proposed duct would emerge from the basement through the top sash of one window and run horizontally across another window, blocking its top sash, before rising vertically on the rear elevation to chimney level. Being to the rear of the building, the impact on the character of the conservation area will be reduced, but it will still form an intrusive and unsympathetic addition, to the detriment of the character of the area.

b) Impact of proposal on the Character of the Listed Building

LDP Policy Env 4 states that proposals to alter or extend a listed building will be permitted where those alterations or extensions are justified, will not cause any unnecessary damage to historic structures or diminish its interest and where any additions are in keeping with other parts of the building.

The building lies within a group of listed buildings where the ground floor premises are commercial. The design and materials of the new shop front retain the existing detailing.

The proposed galvanized duct would alter the character of the rear elevation of this tenement. This duct would cause unnecessary damage to the rear tenement wall and adversely affect its character.

Whilst there is an example of a similar duct on the rear wall of the adjoining property, these works are unauthorised and do not comply with these guidelines. There is no form of precedent in planning, and should not be used as an example to follow.

This element of the proposal does not comply with LDP Policy Env 4.

c) Impact on Residential Amenity

The application site is located on the ground floor with residential properties immediately above. The positioning of the flue above roof height will allow for cooking odours to be dispersed.

It is considered that the amenity of neighbours will be maintained.

d) Public Comments

• alter the character of the rear elevation and cause unnecessary damage to the rear tenement wall - addressed in section 3.3b

Conclusion

The proposed alterations on the rear elevation do not comply with the development plan and non-statutory guidance whilst those on the shopfront front do. The proposals to the shopfront will preserve the character and appearance of the conservation area but the proposals to the rear will have a detrimental impact on the character and appearance of the conservation area and to the character of the listed building.

It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

3.4 Conditions/reasons/informatives Conditions:-

- 1. This permission relates to shopfront and stallriser only.
- 1. In order to recognise the elements of the application which are compatible with the character of the listed building and conservation area..

Reason for Refusal:-

- 1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings Alterations and Extensions, as the proposed alterations will not be in keeping with the rest of the buildings, will cause unnecessary harm to the historic structure and diminution of its interest and are not justified.
- 2. The proposed external galvanized duct fails to preserve the character and setting of the listed building and fails to preserve or enhance the character and appearance of the conservation area.

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Consultation and engagement

6.1 Pre-Application Process

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

The application was advertised on 27th March 2020 and Architectural Heritage Society for Scotland objected to the proposal.

Material Considerations

• alter the character of the rear elevation and cause unnecessary damage to the rear tenement wall

Background reading / external references

- To view details of the application go to
- Planning and Building Standards online services

Statutory Development

Plan Provision The site lies within the urban area of the Edinburgh Local

> Development Plan where it is designated as lying within Bruntsffield / Morningside Town Centre and Marchmont,

Meadows and Bruntsfield Conservation Area.

Date registered 10 March 2020

Drawing numbers/Scheme

1-5,

Scheme 1

David R. Leslie Chief Planning Officer **PLACE** The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer E-mail:jennifer.zochowska@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 13 (Shopfronts) sets criteria for assessing shopfront alterations and advertising proposals.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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 '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 Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

Appendix 1

Consultations

No consultations undertaken.

END



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE

100240562-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application. **Applicant or Agent Details** Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting ☐ Applicant ☒ Agent on behalf of the applicant in connection with this application) **Agent Details** Please enter Agent details **BSD** Associates Company/Organisation: Ref. Number: You must enter a Building Name or Number, or both: * Oliver The Old School House First Name: * **Building Name:** Shields Last Name: * **Building Number:** Address 1 46 WellIshot Drive Telephone Number: * (Street): * Cambuslang Extension Number: Address 2: Glasgow Mobile Number: Town/City: * United Kingdom Fax Number: Country: * G72 8BN Postcode: * Email Address: * Is the applicant an individual or an organisation/corporate entity? * ☑ Individual ☐ Organisation/Corporate entity

Applicant Details						
Please enter Applicant details						
Title:	Mr	You must enter a Bu	You must enter a Building Name or Number, or both: *			
Other Title:		Building Name:				
First Name: *	Guiseppie	Building Number:	169			
Last Name: *	Crolla	Address 1 (Street): *	Bruntsfield Place			
Company/Organisation		Address 2:				
Telephone Number: *		Town/City: *	Edinburgh			
Extension Number:		Country: *	Scotland			
Mobile Number:		Postcode: *	EH10 4DG			
Fax Number:						
Email Address: *						
Site Address	Details					
Planning Authority:	City of Edinburgh Council					
Full postal address of th	e site (including postcode where available):				
Address 1:	169 BRUNTSFIELD PLACE					
Address 2:						
Address 3:						
Address 4:						
Address 5:						
Town/City/Settlement:	EDINBURGH					
Post Code:	EH10 4DG					
Please identify/describe the location of the site or sites						
Northing	672068	Easting	324534			

Description of Proposal
Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: * (Max 500 characters)
Proposed alterations to existing takeaway. Renew existing extract flue with new galvanized external duct terminated with cowl 1000mm above eaves. At 169 Bruntsfield Place Edinburgh EH10 4DG.
Type of Application
What type of application did you submit to the planning authority? *
Application for planning permission (including householder application but excluding application to work minerals). Application for planning permission in principle. Further application.
Application for approval of matters specified in conditions.
What does your review relate to? *
Refusal Notice. Grant of permission with Conditions imposed. No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.
Statement of reasons for seeking review
You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.
You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.
Our client would like to a review of the mixed decision notice on the refusal of the proposed external duct to the rear of the property. The existing extraction duct is currently concealed internally within the shared chimney and taken to atmosphere which does pose a Health and Safety (Fire) risk as it cannot be easily maintained. Along with a new cooking range the proposed external duct would solve this issue and reduce the risk. (Statement provided in Supporting Documents)
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)
The existing extraction duct is currently concealed internally within the shared chimney (with flats above) and taken to atmosphere. This does pose a Health and Safety (Fire) risk as it cannot be easily maintained. Along with a new cooking range the proposed external duct would solve this issue and reduce the risk.

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the			ntend					
Statement								
Application Details								
Application Details								
Please provide the application reference no. given to you by your planning authority for your previous application.	20/01190/FUL							
What date was the application submitted to the planning authority? *	18/03/2020							
What date was the decision issued by the planning authority? *	09/09/2020							
Review Procedure								
The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.								
Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. * Yes \sum No								
In the event that the Local Review Body appointed to consider your application decides to in-	spect the site, in your op	oinion:						
Can the site be clearly seen from a road or public land? *		¥ Yes ☐ No						
Is it possible for the site to be accessed safely and without barriers to entry? *		Yes 🗌 No						
Checklist – Application for Notice of Review								
Please complete the following checklist to make sure you have provided all the necessary in to submit all this information may result in your appeal being deemed invalid.	formation in support of	your appeal. F	ailure					
Have you provided the name and address of the applicant?. *	⊠ Yes □ 1							
Have you provided the date and reference number of the application which is the subject of treview? *	his 🛛 Yes 🗌 N	No						
If you are the agent, acting on behalf of the applicant, have you provided details of your nam and address and indicated whether any notice or correspondence required in connection wit review should be sent to you or the applicant? *		No 🗆 N/A						
Have you provided a statement setting out your reasons for requiring a review and by what	🛛 Yes 🗌 1	No						
procedure (or combination of procedures) you wish the review to be conducted? *			Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.					
Note: You must state, in full, why you are seeking a review on your application. Your statemer require to be taken into account in determining your review. You may not have a further opport at a later date. It is therefore essential that you submit with your notice of review, all necessary.	ortunity to add to your st ry information and evide	atement of revence that you r	riew					
Note: You must state, in full, why you are seeking a review on your application. Your statemer require to be taken into account in determining your review. You may not have a further opport at a later date. It is therefore essential that you submit with your notice of review, all necessary.	ortunity to add to your st	atement of revence that you r	riew					

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Oliver Shields

Declaration Date: 15/10/2020

Proposal Details

Proposal Name 100240562

Proposal Description Proposed alterations to existing takeaway. Renew existing extract flue with new galvanized external duct terminated 1000mm above eaves.

Address 169 BRUNTSFIELD PLACE, EDINBURGH, EH10

4DG

Local Authority City of Edinburgh Council

Application Online Reference 100240562-002

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
01 Location and block plan	Attached	A2
02 Plan and elevs as existing	Attached	A2
03 Site photographs as existing	Attached	A2
04 Plans and elevations as proposed	Attached	A2
Proposed image sheet	Attached	A2
Review Notice	Attached	A0
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

15/10/2020

City of Edinburgh Planning Local Review Body G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG

Application No: 20/01190/FUL Decision date: 9 September 2020

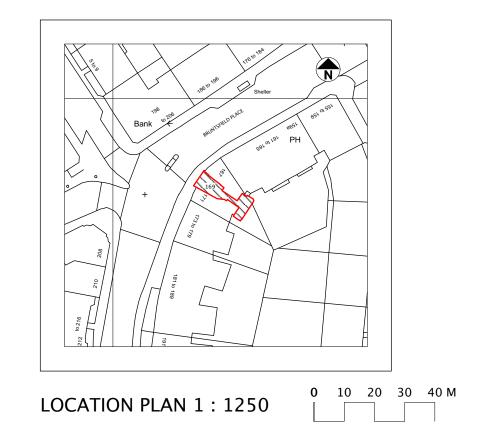
Our client would like a review of the mixed decision notice on the refusal of the proposed external duct to the rear of the property at 169 Bruntsfield Place Edinburgh EH10 4DG.

The existing extraction duct is currently concealed internally within the shared chimney and taken to atmosphere which does pose a Health and Safety (Fire) risk as it cannot be easily maintained. Along with a new cooking range the proposed external duct would solve this issue and reduce the risk. The client is also prepared to powder coat the duct to a sympathetic stone colour to reduce visual impact.

As well as our clients property there are currently other external extraction ducts to the rear of commercial properties along Bruntsfield Place that are currently operating hot food premisses. We feel that the proposed external duct as part of the overall proposed refurbishment will enhance the existing property.

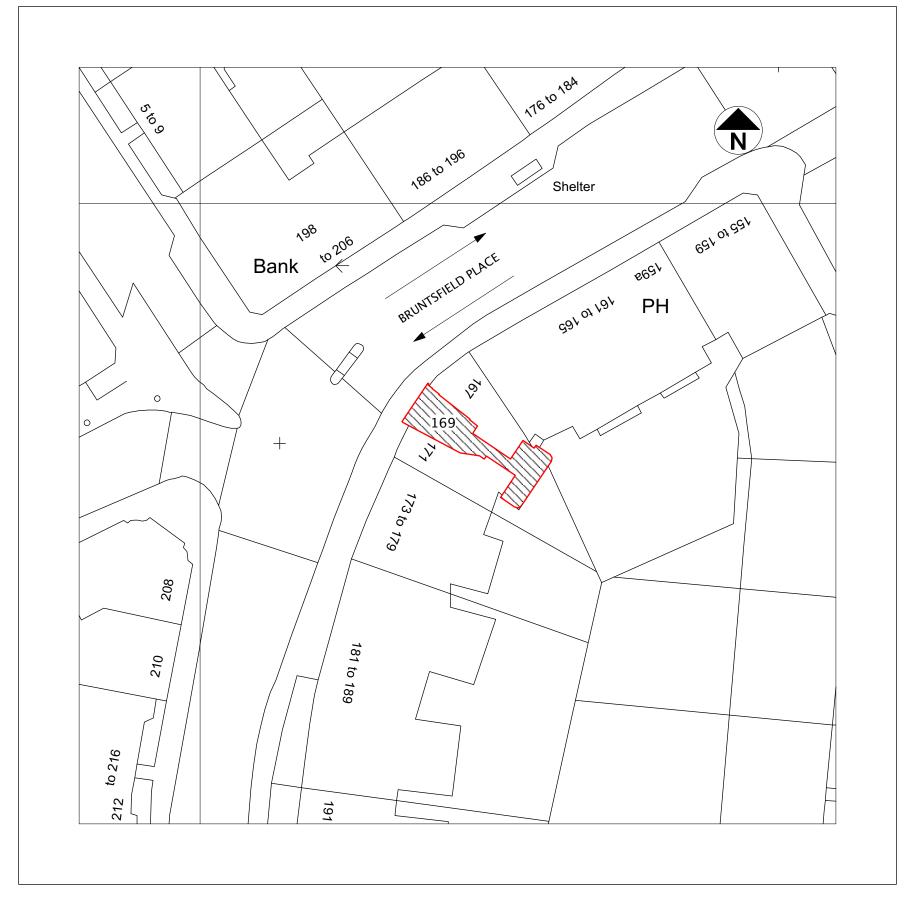
Regards, Oliver Shields

Senior Designer BSD Associates



Our client Globetrotter is a successful family run fish and chip shop based in Edinburgh. We have been tasked with re-branding and designing a new takeaway as part of refurbishment works along with renewing the existing cooking range and extraction duct.

Our aim is to transform the existing shop unit by exposing the original high ceilings with plaster cormice to highlight the traditional detailing that reflects the ornate timber shopfront surround and fascia.



BLOCK PLAN 1:500

NOTES

All dimensions to be verified on site by contractors. Any discrepancies of dimensions to be reported to designer/architect.

Internal footprint = 67.5sqm

Status : PLANNING Client: GLOBETROTTER

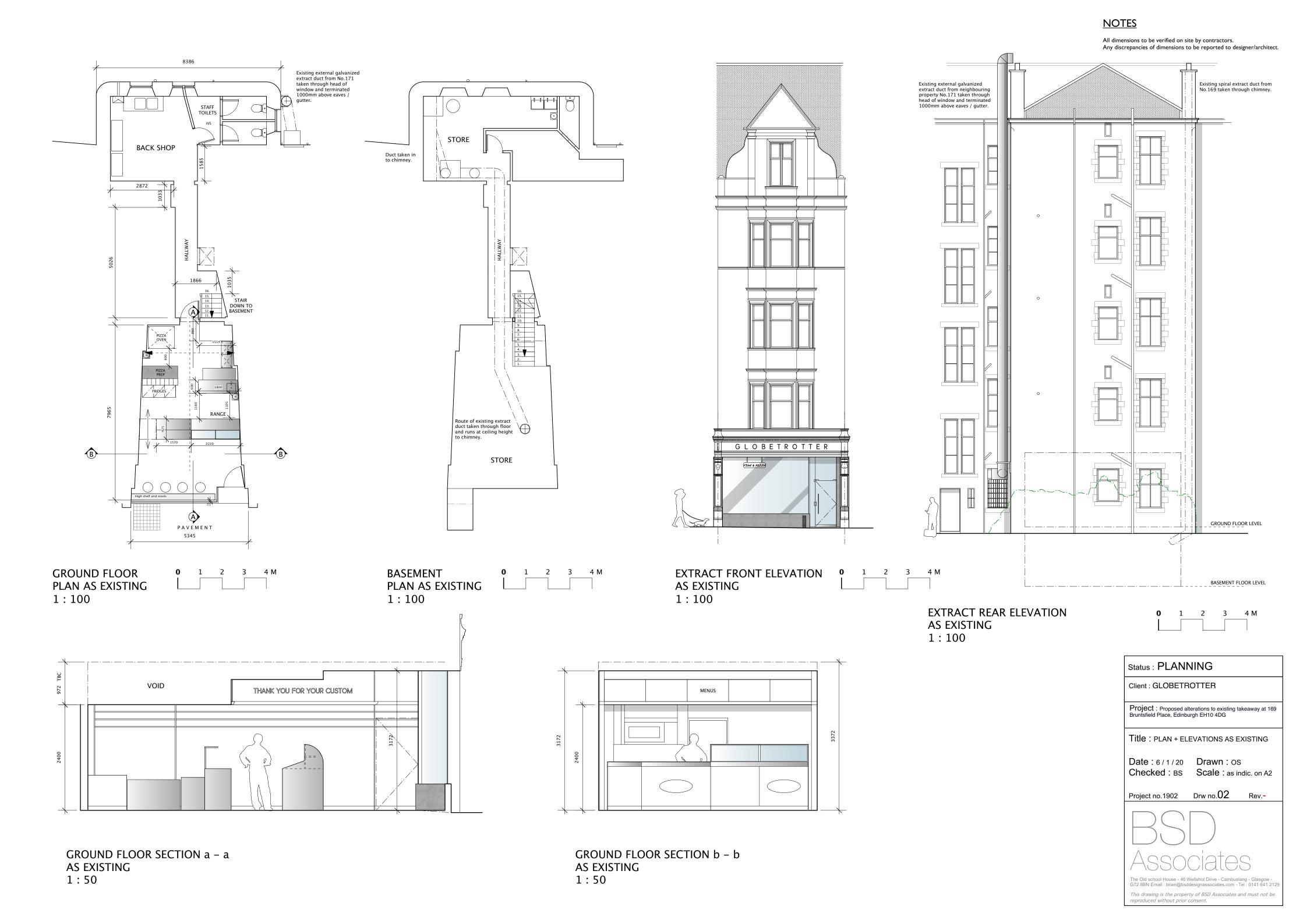
Project: Proposed alterations and replacement of existing extraction duct / flue to existing takeaway at 169 Bruntsfield Place, Edinburgh EH10 4DG.

Title: LOCATION & BLOCK PLAN

Checked: BS Scale: as indic. on A2

Project no.1902 Drw no.01 Rev.-

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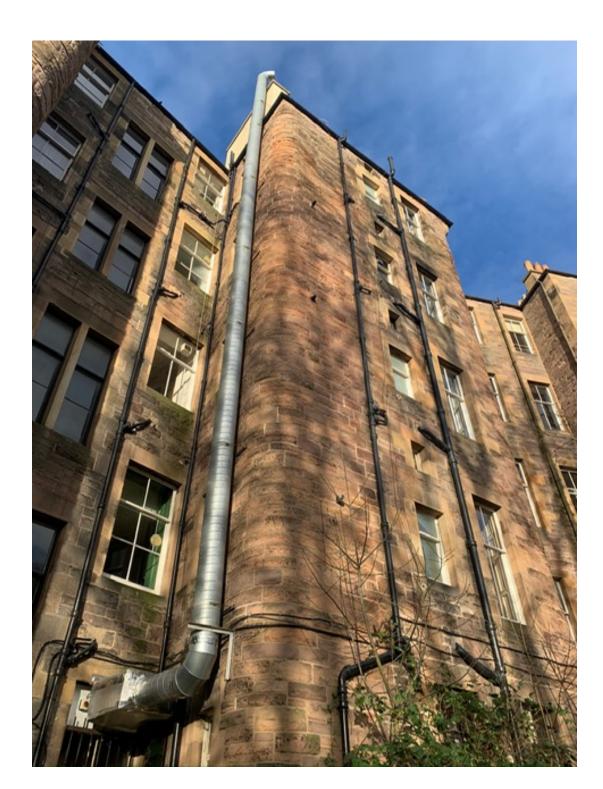
NOTES

All dimensions to be verified on site by contractors.

Any discrepancies of dimensions to be reported to designer/architect.



FRONT ELEVATION FROM BRUNTSFIELD PLACE



NEIGHBOURS AT No.171 EXISTING GALVANIZED EXTRACT DUCT



EXISTING PAINTED EXTRACT DUCT TO TERRACE



Status : PLANNING

Client : GLOBETROTTER

Project : Proposed alterations to existing takeaway at 169
Bruntsfield Place, Edinburgh EH10 4DG

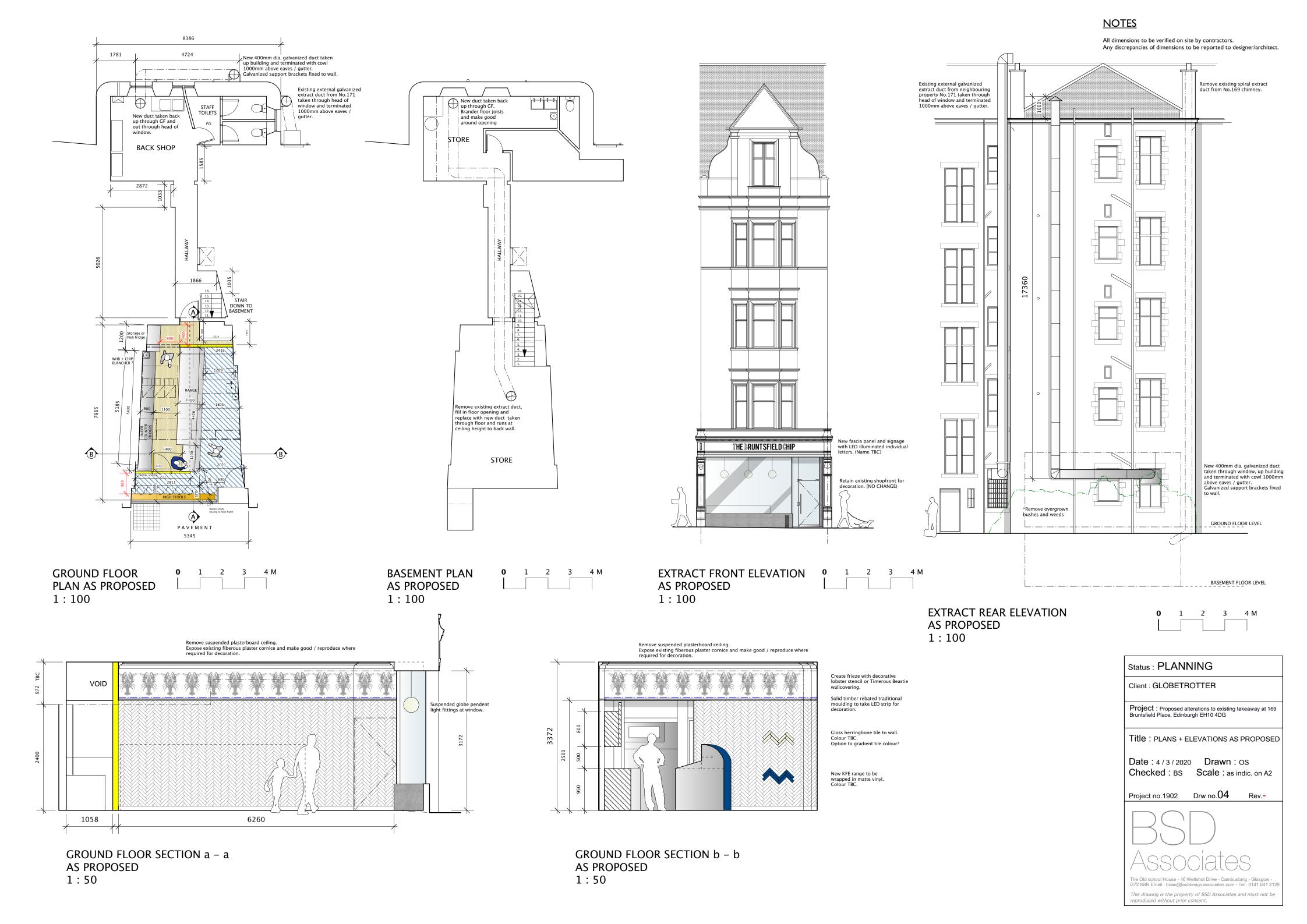
Title: SITE PHOTOGRAPHS

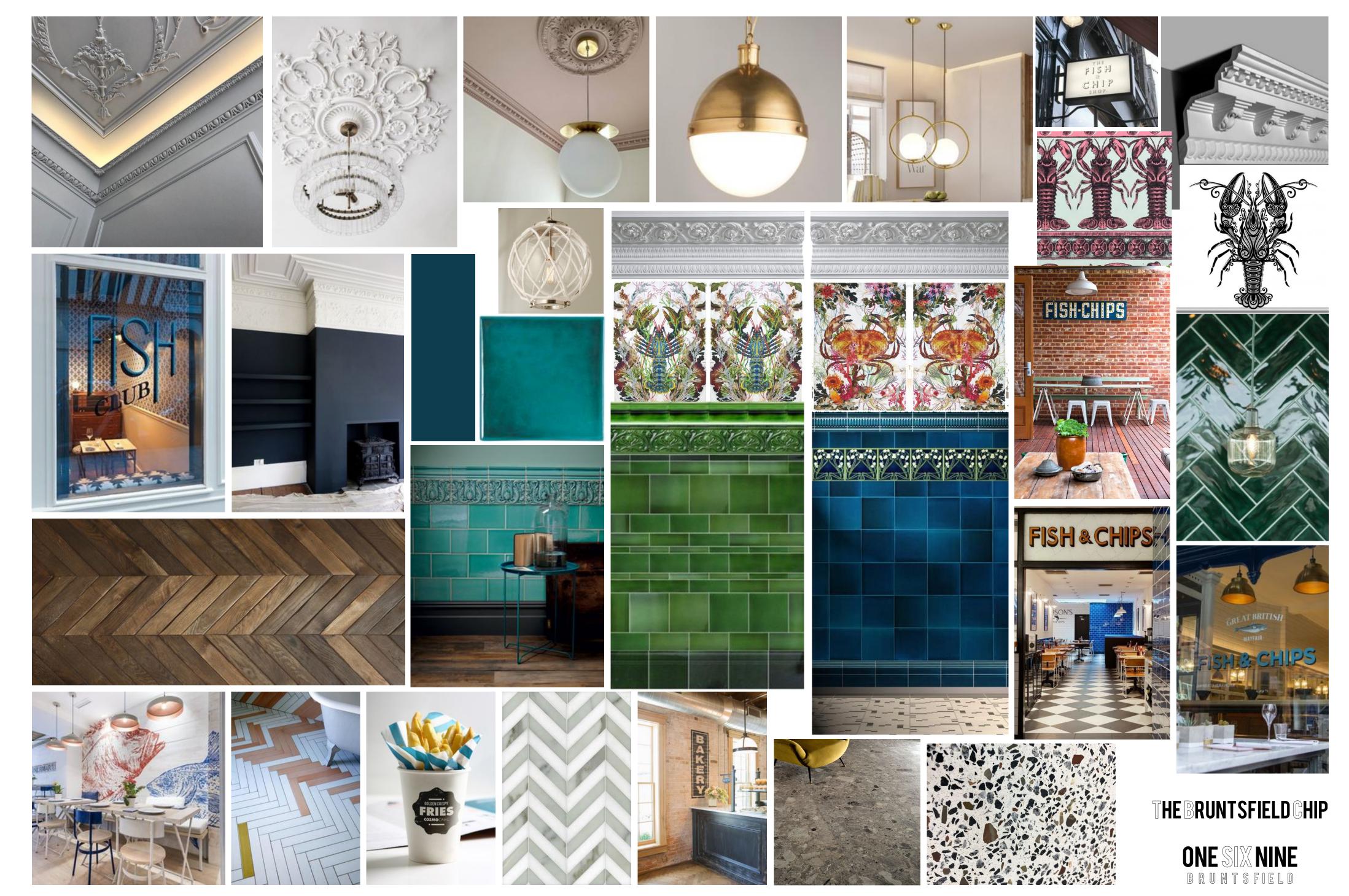
Checked: BS Scale: as indic. on A2

Project no.1902 Drw no.03 Rev.-



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