

Development Management Sub Committee

Wednesday 27 January 2021

**Application for Listed Building Consent 20/03412/LBC
at 3 Shandwick Place, Edinburgh, EH2 4RG.
Internal and external alterations with new rear extract flue.**

Item number

Report number

Wards

B11 - City Centre

Summary

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN04, LEN06, LEN01, NSG, NSLBCA, HES, HESUSE, HESEXF, OTH, CRPNEW,

Report

Application for Listed Building Consent 20/03412/LBC at 3 Shandwick Place, Edinburgh, EH2 4RG. Internal and external alterations with new rear extract flue.

Recommendations

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

Background

2.1 Site description

The application site relates to a small, ground floor class 1 retail unit. The unit has a frontage on the north east elevation at the internal corner of the recessed open space formed with the adjacent buildings on Rutland Place. There is a basement level below the unit and two storeys and attic above which are utilised as the Edinburgh City Roomz hotel. Other uses directly nearby include the Ghillie Dhu bar and restaurant, ASK restaurant and the Rat Pack Piano and Cocktail Bar which is at basement level. The rear elevation of the building is largely enclosed and there are currently two large ventilation flues present directly nearby.

It is part of a category B listed building (Listed 12 December 1974; listing reference: LB30175). It is also located within the World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

4 July 2017- Planning permission granted for extension to basement and change of use from class 1 to class 11 (Entertainment Venue) (application reference: 17/02154/FUL)

4 July 2017- Listed Building Consent granted for alterations to No. 3 and No. 9 Shandwick Place to create an extension of basement entertainment venue located at No. 9. (Application reference: 17/02255/LBC)

3 August 2020- Planning permission refused for alterations to frontage to remove existing bay window and door surround and remove masonry to form a larger shop front opening (Application reference: 20/02075/FUL).

3 August 2020- Listed building consent refused for alterations to frontage to remove existing bay window and door surround and remove masonry to form a larger shop front opening (Application reference: 20/02074/LBC).

A conterminous application for planning permission is pending decision (Application reference: 20/03395/FUL)

Main report

3.1 Description of the Proposal

The application is for listed building consent for internal and external alterations including a new extract flue to the rear.

The extract flue will measure 350mm in width and 400mm in depth. It will run internally through a small element of the unit, exit from the rear of the ground floor unit and will run up the building terminating above an adjacent dormer window.

Other proposed internal alterations are minimal and include the installation of low-level partitions, kitchen units and seating.

No alterations are proposed to the front of the unit.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - 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.

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.

In determining applications for listed building consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

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

- a) The proposal will be detrimental to the special interest of the listed building;
- b) The proposal is of an acceptable design and will not be detrimental to the character and appearance of the conservation area and
- c) Any matters raised in representations have been addressed.

a) 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"

Historic Environment Scotland's (HES) Guidance Notes on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states; *"New uses may enable us to retain much of the fabric and special interest of a building, but they will always have an impact on its intangible value. The process of conversion will have some impact on a building's special interest, regardless of how well it is handled. The continued use of a listed building for its original function will normally be the best way to retain its historic character"*.

Historic Environment Scotland's Managing Change in the Historic Environment - Fixtures states that *"new external fixtures must be sited to minimise impact on the architectural integrity and fabric of the building. Secondary elevations that are out of sight from principal views can often accommodate new fixtures without significant impact"*.

LDP policy Env 3 (Listed Buildings- Setting) states that development within the curtilage or affecting the setting of the listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

Policy Env 4 (Listed Buildings- Alterations and Extensions) of the LDP states that alterations to listed buildings will be permitted where these alterations are justified and where there is no diminution of the building's interest. The Guidance on Listed Buildings and Conservation Areas presumes against any alterations that would seriously detract from the character of the listed building.

The proposed flue will be located on an inconspicuous elevation to the rear of the building where two large flues are already present. The relatively small width and depth of the flue (350mm by 400mm), painted to match that of the stonework on the building will reduce the impact of the proposal. The rear elevation of the building is not visible from public views. The proposed flue will not be incongruous to the appearance of the building and it will not have an unacceptable impact on the character of the listed building.

No detail of the proposed method of ventilation attachment to the rear of the building was provided. A condition will be added to the consent stating these details shall be provided. This is to safeguard the fabric of the listed building.

The interior of the building is already largely stripped out and the works proposed internally will not harm the special interest of the building.

Whilst it is acknowledged that the use of the building will change from class 1 to sui generis, the change will not have a material impact on the special character and setting of the listed building in compliance with HES guidance and Council policy.

b) Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy Env 6 (Conservation Areas- Development) presumes against development that does not preserve or enhance the special character and appearance of the conservation area or that is inconsistent with the conservation area character appraisal.

The application site is located within the New Town Conservation Area. The character appraisal states the following:

The Conservation Area is characterised by Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces. They create a regular pattern of stately streets, squares and crescents, interspersed by formal gardens, and containing a series of major classical buildings by architects of the stature of Robert Adam'

The proposed ventilation flues will be erected to the rear, least visible element of the property in a quite secluded location. There are two large ventilation flues already installed around the application site. Given the location, size and design of the flues they will not adversely detract from the character or appearance of the conservation area overall.

The shop front is to remain as existing. The proposal will cause no adverse impact to the character and appearance of the conservation area and complies with LDP policy Env 6 and the associated character appraisal.

c) Public Comments

Material Comments - Objections:

- Impact upon listed building and conservation area- This is addressed in section 3.3 a and b and
- Elevational and Floor plan drawings inaccurate - This has been addressed with the submission of revised plans.

Non material Objections

- Proposal will block access to pipes for maintenance- This matter cannot be assessed under an application for listed building consent;

- The flue cannot be attached to the upper levels of the building as this is not in the applicant's ownership- This matter cannot be assessed under an application for listed building consent;
- The proposal would set a precedent- Every application is determined on its individual merits;
- No information about operational times, deliveries and waste collection - This matter cannot be assessed under an application for listed building consent;
- Lack of detail of ventilation system - This matter cannot be assessed under an application for listed building consent;
- The development would impact upon the access to and areas in front of other existing units- This matter cannot be assessed under an application for listed building consent;
- Concerns relating to operational noise, smells, antisocial behaviour and health and safety -This matter cannot be assessed under an application for listed building consent;
- The change of use is unacceptable, it does not comply with LDP Policy Des 1 or Des 5 This matter cannot be assessed under an application for listed building consent;
- Would impact upon employment and viability of city centre -This matter cannot be assessed under an application for listed building consent;
- Impact upon the World Heritage Site -This matter cannot be assessed under an application for Listed Building Consent and
- Concerns raised about the applicant and integrity of the planning process- This is not a material planning consideration.

Conclusion

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Details of the proposed method of ventilation attachment to the rear of the building and the colour of the proposed vent shall be provided for the written approval of the Planning Authority prior to any works commencing on site.

Reasons:-

1. To protect the special interest of the listed building.

Informatives

It should be noted that:

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:

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 meets 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

Nine objection comments were received in relation to the application. The points raised shall be addressed in section 3.3 of this report.

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

Date registered 31 August 2020

Drawing numbers/Scheme 01, 02a, 03a,

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 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Managing Change in the Historic Environment: External Fixtures sets out Government guidance on the principles that apply to altering the external fixtures of listed buildings.

Other Relevant policy guidance

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

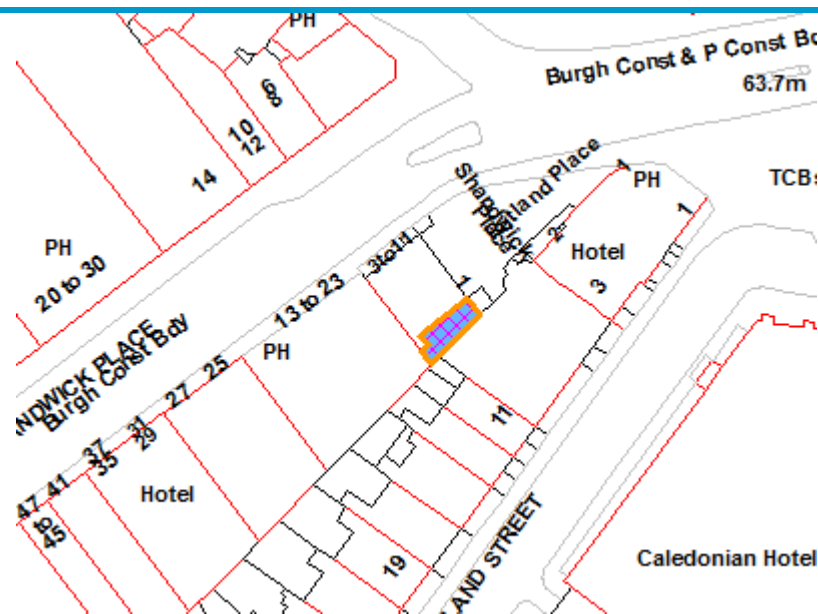
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Consultations

Historic Environment Scotland

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.

Location Plan



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