

Development Management Sub Committee

Wednesday 24 November 2021

**Application for Planning Permission 21/02182/FUL
at 43 - 45 Salisbury Road, Edinburgh, EH16 5AA.
Installation of external ducts.**

Item number

Report number

Wards

B15 - Southside/Newington

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would not result in harm to the setting of listed building. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal will preserve the historical integrity of the listed building and not diminish its desirability, in compliance with LDP Policy Env 4.

The proposal will have a neutral impact on the conservation area, preserving its character and appearance in compliance with LDP Policy 6.

The proposal will not result in an unreasonable loss of neighbouring amenity, and subject to the recommended conditions is in compliance with LDP Policy Des 12.

There are no material considerations that outweigh this.

Links

[Policies and guidance for this application](#)

LDPP, LDES12, LEN04, LEN06, CRPBLA, NSG, NSLBCA, NSBUS,

Report

Application for Planning Permission 21/02182/FUL at 43 - 45 Salisbury Road, Edinburgh, EH16 5AA. Installation of external ducts.

Recommendations

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

Background

2.1 Site description

Salisbury Boutique Hotel sits on the northern side of Salisbury Road occupying a pair of semi-detached, symmetrical two storey and raised basement, sandstone constructed, classical style former townhouses, circa 1825, category B listed (item no. 29757).

Whilst predominantly residential, the immediate surrounding area has a mix of uses, with hotels and restaurants sitting alongside residential homes, traditional tenements and flatted developments along Salisbury Road.

This application site is located within the Southside Conservation Area.

This application site is located within the Blacket Conservation Area.

2.2 Site History

13 October 2020 Refused planning permission for installation of external duct (Ref: 20/03334/FUL).

15 October 2020 Refused listed building consent for installation of external duct (Ref: 20/03335/LBC).

21 April 2021 Pending listed building consent for installation of external ducts (Ref: 21/02181/LBC).

Main report

3.1 Description of the Proposal

Planning permission is sought for the installation of two 200mm diameter flues on the rear of the building. The flues will rise above the eave's height of the rear elevation.

They will be painted a stone colour to match the existing stone on the elevation.

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 will preserve the desirability and historical integrity of the listed building;
- b) the proposal will adversely affect the character and appearance of the conservation area;
- c) the proposal will result in an unreasonable loss of neighbouring amenity;
- d) any impacts on equalities and human rights are acceptable and
- e) any comments received are addressed.

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."

The Courts have clarified that Section 59(1) means that there is a strong presumption against granting planning permission for development which would harm a listed building or its setting.

If engaged, the presumption can only be rebutted if the proposals would result in significant public interest advantages which can only be delivered at the scheme's proposed location.

LDP Policy Env 4 (Listed buildings) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result unnecessary damage to historic structures or result in an diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

Permission was previously refused for a 400mm flue on the rear due to it being twice the width of a normal down pipe, creating an over-dominant and unsympathetic addition to that part of the building. The pipe would have appeared out of character given its width in comparison to other pipework in the locality.

In this instance, the currently proposed pipes are narrower, and more appropriate and in keeping with the size of other installed flues in the vicinity. The two smaller flues will be a less visibly intrusive.

The ducts will rise above the eaves but will be painted stone to match the colour of the existing stonework which will minimise their visual impact.

Given the scale of the flues and means of attachment to the rear elevation, the proposal will not result in unnecessary damage to the building.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would not result in harm to the setting of listed building. The proposal constitutes a sympathetic addition to the rear of the building that will not diminish the building's historical interest, in compliance with LDP Policy Env 4.

Impact on the Conservation Area

Section 64 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states: "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Courts have clarified that Section 64 means that there is a strong presumption against granting planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of the conservation area. If engaged, the presumption can only be rebutted if the proposals would result in significant public interest advantages which can only be delivered at the scheme's proposed location.

Policy Env 6 (Conservation Areas) 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 Blasket Conservation Area Character Appraisal emphasises the mix of substantial villas and terraces, the unified architectural form and materials, the sense of spaciousness derived from the generously proportioned gardens and large mature trees, and the predominance of residential uses.

The proposed external ducts lie on the rear elevation from the ground floor to above eaves level. Being to the rear of the building, its impact on the character of the neighbourhood will be reduced.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would not result in harm to the setting of the conservation area. The proposal will have minimal impact on the character and appearance of the conservation area, preserving its special interest, in compliance with LDP Policy Env 6.

c) Residential Amenity

LDP Policy Des 12 (Extensions and Alterations) seeks to ensure there is no unreasonable loss to neighbouring residential amenity.

The proposal is for the existing kitchen flue to be re-routed from the existing internal chimney to an external system. Environmental Protection were consulted on the proposal and commented that an externally routed system is preferred in the interests of maintenance and from a health & safety perspective.

There are existing windows on the rear elevation, however, the flues are to be positioned an acceptable distance from these to ensure there is no loss of natural light or outlook.

The proposed flues terminate at a lower point than the existing chimney and Environmental Protection would normally recommend that these terminate at the same level as the existing chimney pot termination point.

However, given the proposed flues will be located only slightly below the existing termination point, and marginally closer to gable windows on the neighbouring tenement, the proposal is unlikely to impact upon these windows over and above the current situation.

In light of this, there will be minimal impact upon neighbouring amenity over and above the existing situation, and any impact would not be significant enough to warrant refusal of the application.

Environmental Protection have not objected to the proposal but recommended conditions to limit any potential impacts.

The consultee response states that in order to ensure that cooking effluvia is adequately discharged the commercial ventilation system should be capable of achieving 30 air changes per hour and have a minimum efflux velocity of 15m/s at the termination point. A condition is therefore recommended to ensure these levels are achieved to minimise the impact on neighbouring amenity.

A condition is also recommended requiring details to be submitted to allow any potential noise impacts to be assessed and mitigated.

The proposal therefore complies with LDP Des 12.

d) Equalities and human rights

The application has been assessed in terms of equalities and human rights. No issues have been identified.

e) Public Comments

Seven letters of objections were received raising the following issues -

Material considerations

- Incongruous addition- addressed in Section 3.3a;
- Impact upon listed building- addressed in Section 3.3a;
- Impact upon Blasket Conservation Area- addressed in Section 3.3b;
- Fumes and pollution- addressed in Section 3.3c; and
- Noise- addressed in Section 3.3c.

Non-material considerations

- Various concerns relating to ongoing enforcement case for erection of decking in the rear garden ground - not a material matter in this planning application.

Conclusion

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would not result in harm to the setting of listed building. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal will preserve the historical integrity of the listed building and not diminish its desirability and interest, in compliance with LDP Policy Env 4.

The proposal will have a neutral impact on the conservation area, preserving its appearance and character in compliance with LDP Policy 6.

The proposal will not result in an unreasonable loss of neighbouring amenity, and subject to the recommended conditions is in compliance with LDP Policy Des 12.

It is therefore recommended that the application be granted.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. Prior to the use being taken up, the extract flue and ventilation system, shall be capable of a minimum 30 air changes per hour and have a minimum 15m/s efflux velocity at the termination point prior to operation.
2. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) should be submitted to the Planning Authority.

Reasons: -

1. In the interests of neighbouring amenity.
2. In the interests of neighbouring amenity.

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. 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.
3. 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.

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

Seven letters of objection have been received in relation to the proposal.

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**

Edinburgh Local Development Plan

Date registered

21 April 2021

Drawing numbers/Scheme

01-02,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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.

The Blasket Conservation Area Character Appraisal emphasises the mix of substantial villas and terraces, the unified architectural form and materials, the sense of spaciousness derived from the generously proportioned gardens and large mature trees, and the predominance of residential uses.

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.

Appendix 1

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Consultations

Environmental Protection response

The proposal is for the existing kitchen flue to be rerouted from the existing internal chimney to an external system. An externally routed system is preferential from a maintenance and health & safety perspective. The proposed flue terminates at a lower point and it's noted that there are residential properties nearby. Environmental Protection would recommend that the proposed flue terminates at the same level as the existing chimney pot termination point. To ensure that cooking effluvia is adequately discharged the commercial ventilation system shall be capable of achieving 30 air changes per hour and have a minimum efflux velocity of 15m/s at the termination point. Environmental Protection shall recommend a condition to ensure these levels are achieved.

We shall also recommend that an informative is attached to ensure that plant noise is considered.

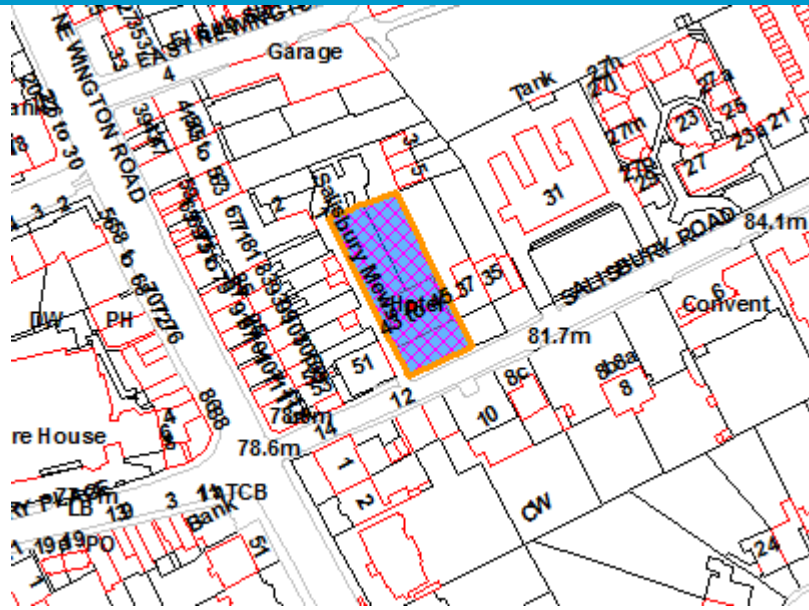
Environmental Protection cannot fully support the application however if consented we recommend the following condition to limit any potential impacts.

Prior to the use being taken up, the extract flue and ventilation system, shall be capable of a minimum 30 air changes per hour and have a minimum 15m/s efflux velocity at the termination point prior to operation.

Informative

Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) should be submitted to the Planning Authority.

Location Plan



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