

**Planning Permission 12/03278/FUL  
at  
222 - 228 Portobello High Street  
Edinburgh  
EH15 2AU**

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**Development Management Sub-Committee  
of the Planning Committee**

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**1 Purpose of report**

To consider application 12/03278/FUL, submitted by Sainsbury's Supermarkets Limited. The application is for: **Proposed installation of external plant and machinery to rear.**

It is recommended that this application be **Granted** by Committee.

**2 The Site and the Proposal**

**Site description**

The property is an existing operational hardware store on Portobello High Street forming part of a long two-storey category C listed terrace (ref.27486, listed on 14.12.1970). The hardware shop, currently occupying three original shops, is being subdivided to create two retail units.

The courtyard to the rear of the remaining hardware store currently holds a small ancillary "garden centre". This lies at basement level relative to the ground floor shop.

Numbers 222 and 224 Portobello High Street (where the incoming retail operator is to be) have a three storey brick extension to the rear, into which the retail use extends at lower levels. This lies to the west side of the courtyard.

The first floor of both the frontage building and the rear extension contains residential flats, each with a bedroom facing the courtyard.

This property is located within the Portobello Conservation Area.

### **Site History**

2 March 2005 - Two flats approved above shop (formerly shop storage) accessed via common passage at 226 and both partly viewing into the rear courtyard in question (04/04503/FUL + LBC).

Three parallel applications also exist relating to the proposals:

12/03277/FUL - application for alterations to the frontage;

12/03279/ADV - application for new signage; and

12/03436/LBC - application for listed building consent for internal and external alterations.

### **Pre-Application Process**

There is no pre-application process history.

### **Description Of The Proposal**

The application proposes plant within a rear courtyard linked to a parallel application for alterations to the shopfront and signage. Because of the nature of the goods now to be sold from the incoming operator, additional cooling plant is required to service chiller and freezer cabinets.

The plant stands in two enclosed sections, in the centre of the courtyard, detached from any existing structure: one 2m high and one 1.6m high. The lower one has a footprint of around 12sqm and will hold air-conditioning plant. The taller one has a footprint of 9sqm and serves the chiller units.

The applicant has confirmed that several sections of the plant will only operate during opening hours and will not run all night.

### **3. Officer's Assessment and Recommendation**

#### **Determining Issues**

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

Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If not, there is a presumption against the granting of consent. 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 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?

#### **ASSESSMENT**

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

- a) does the proposal have any adverse effect on residential amenity;
- b) does the proposal have any adverse effect upon the character or appearance of the conservation area; and
- c) the proposal has any adverse effect on the setting of the listed building.

a) The area in question serves as a "garden centre" ancillary to the existing hardware store. Two recently created flats at first floor each have a bedroom facing to the courtyard.

The plant stands relatively low within a basement area and is acceptable in terms of its visual effect. The flats above lie two storeys over the courtyard to look over, rather than into, the courtyard.

Noise from the plant is controlled by a standard condition and will be within tolerable limits as long as the condition is met. Environmental Assessment has no objections subject to this standard condition.

b) Portobello Conservation Area Character Appraisal

*"The High Street provides the commercial and administrative focus for the conservation area, retaining many original two storey Regency buildings as well as a number of significant public buildings." "The predominant building material in the High Street is natural stone, which varies in colour texture and condition resulting in a lack of harmony in the street scene. Some of the stone-built buildings have been painted and where the paint has started to peel the resulting poor image has a detrimental effect on the appearance of the street".*

The rear courtyards along this section of the High Street are very restricted in size and few are green in nature. The courtyard is already commercial in nature. The proposals are compatible with the character of this part of the conservation area.

The location of the plant is unseen from any public viewpoint and as such has no impact on the appearance of the conservation area.

c) The basement location of the plant is such as to have no effect on the listed building or its setting.

In conclusion, the proposals comply with the development plan and non-statutory guidance and will have no adverse impact on residential amenity, the character or appearance of the conservation area or the building and its setting.

No other considerations outweigh this conclusion.

It is recommended that the Committee approves the application subject to a standard condition on plant noise.

## **REASON FOR DECISION**

The proposal complies with development plan policies and non-statutory guidelines and subject to appropriate conditions will have an acceptable effect on residential amenity.

**David R. Leslie**  
Acting Head of Planning & Building Standards

<b>Contact/tel</b>	Stephen Dickson on 0131 529 3529
<b>Ward affected</b>	A17 - Portobello/Craigmillar
<b>Local Plan</b>	Edinburgh City Local Plan
<b>Statutory Development Plan Provision</b>	Primary Retail Frontage Portobello Conservation Area
<b>Date registered</b>	18 September 2012
<b>Drawing numbers/ Scheme</b>	1,3a and 8 only Scheme 1

**Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing at [Planning and Building Standards online services](#)

If you require further information about this application you should contact the following Principal Planner, Anna Grant, 0131 529 3521, [anna.grant@edinburgh.gov.uk](mailto:anna.grant@edinburgh.gov.uk)

**Application Type** Planning Permission  
**Application Address:** 222 - 228 Portobello High Street  
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**Proposal:** Proposed installation of external plant and machinery to rear  
**Reference No:** 12/03278/FUL

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## Consultations, Representations and Planning Policy

### Consultations

#### Environmental Assessment

*The application proposes to install external air conditioning and refrigeration condenser units to the rear of an existing retail premises. Residential properties are situated above the retail premises and also to the east and south.*

*A noise impact assessment has been provided in support of the application which assesses the cumulative noise levels from the proposed plant. The noise from the plant alone would not meet the requirements of this Department and thus an enclosure has been recommended to attenuate the noise. The report confirms that the enclosure will sufficiently attenuate noise from the plant to levels which meet the requirements of this Department. This Department will recommend a condition to that effect.*

*The noise impact assessment advises that most of the air conditioning plant and the ventilation plant will be switched off during the night time period. The agent for the application has confirmed that a timer switch will be utilised to ensure the required plant is switched off during the night time hours.*

*Therefore, Environmental Assessment has no objections to this proposed development subject to the following condition:*

- 1. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.*

## **Representations**

The application was advertised on 28th September 2012.

83 material representations were received: 50 in objection; 28 in support; and 5 in comment.

Principal reasons for objection were the potential noise from the proposed plant (addressed in section a) of the Assessment.

Some objections also mentioned the appearance of the plant (addressed in section b) of the Assessment.

7 non-material comments were received. These concerned the use and the alterations to the frontage.

***Representations, if any, are available to view in the document list at [Planning & Building Standards online services](#).***

## **Planning Policy**

The site lies in Portobello Conservation Area as shown in the ECLP.

### **Relevant Policies:**

#### **Relevant policies of the Edinburgh City Local Plan.**

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

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.

#### **Other Relevant policy guidance**

**The Portobello Conservation Area Character Appraisal** emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high quality architecture, and the predominant use of traditional building materials

## Appendix B



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### Conditions/Reasons associated with the Recommendation

It is recommended that this application be Granted by Committee, subject to any conditions, reasons and informatives stated below.

#### Conditions:-

1. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

#### Reasons:-

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

#### 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.

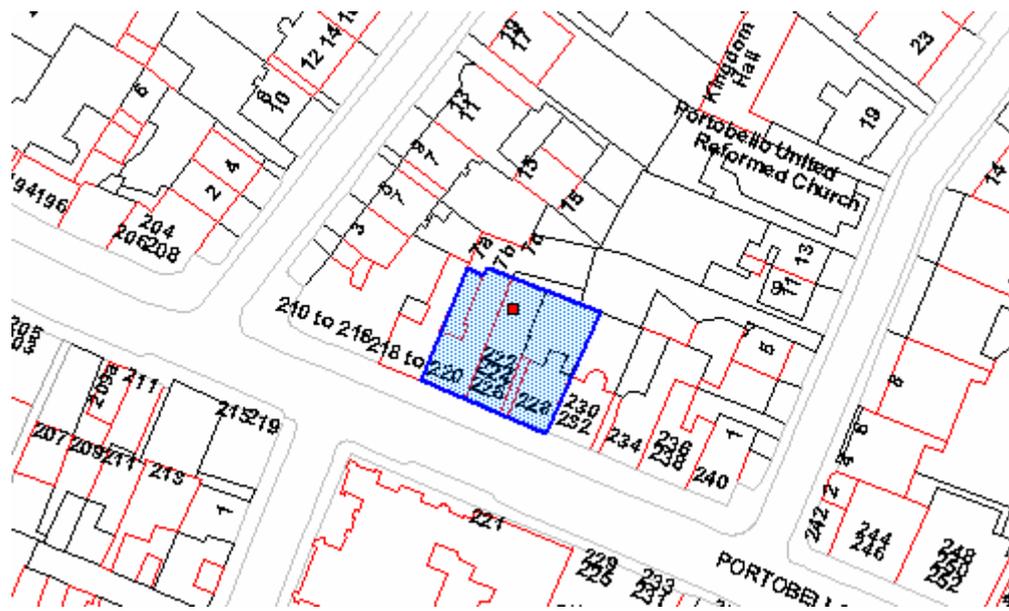
**End**

## Appendix C

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### Location Plan

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