

# Development Management Sub Committee

**Wednesday 30 January 2013**

**Application for Planning Permission 12/03278/FUL  
At 222 - 228 Portobello High Street, Edinburgh, EH15 2AU  
Proposed installation of external plant and machinery to rear**

**Item number**

**Report number**

**Wards**

A17 - Portobello/Craigmillar

## **Links**

[Policies and guidance for this application](#)

LPC, CITE6, CITE3, OTH, CRPPOR,

**David R. Leslie**

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# Executive summary

## **Application for Planning Permission 12/03278/FUL At 222 - 228 Portobello High Street, Edinburgh, EH15 2AU Proposed installation of external plant and machinery to rear**

### **Previous Committee Details**

This application was previously considered by Committee on 05.12.2012

### **Outcome of previous Committee**

Site visit - This application was continued by the Committee for a site visit. This site visit has now taken place and the application is returning to Committee for a decision.

### **Summary**

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

### **Recommendations**

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It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

### **Financial impact**

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There are no financial implications to the Council.

### **Equalities impact**

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This application has no impact in terms of equalities or human rights.

### **Sustainability impact**

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This application is not subject to the Edinburgh Standards for Sustainable Building

### **Consultation and engagement**

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### **Pre-Application Process**

There is no pre-application process history.

### **Publicity summary of representations and Community Council comments**

The application was advertised on 28th September 2012.

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

Principle 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).

## **Background reading / external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)

## **Application for Planning Permission 12/03278/FUL At 222 - 228 Portobello High Street, Edinburgh, EH15 2AU Proposed installation of external plant and machinery to rear**

### **1. Background**

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#### **1.1 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.

#### **1.2 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 linked to the current application were approved on 5th December 2012.

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.

### **2. Main report**

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## **2.1 Description Of The Proposal**

The application proposes plant within a rear courtyard linked to a parallel application for alterations to the shopfront and signage. 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.

## **2.2 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?

## **2.3 Assessment**

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

- a) does the proposal has 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 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.

### **Addendum to Assessment**

On 5th December 2012 the application was continued by Committee to allow a Committee site visit (at which time all parallel applications relating to the frontage of the property were approved). This took place on 17th January 2013.

During the intervening period Environmental Assessment have also recommended an adjustment to the wording of their suggested condition stressing that plant noise be measured cumulatively (based on all plant operating together). The condition has been adjusted accordingly.

It is recommended that the Committee approves the application subject to this condition.

## **3. Recommendations**

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

### **3.2 Conditions/reasons**

1. The design, installation and operation of all plant, machinery and equipment (including air conditioning, refrigeration and ventilation plant) shall be such that any associated cumulative noise complies with NR25 when measured within any nearby living apartment and no structure-borne vibration is perceptible within any nearby living apartment. (Assessment to be on an open-window standard).

**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.

**Statutory Development**

**Plan Provision**

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

**Date registered**

18 September 2012

**Drawing numbers/Scheme**

1,3a and 8 only

Scheme 1

**David R. Leslie**

Acting Head of Planning and Building Standards

### **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 1

## Consultations

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### 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.

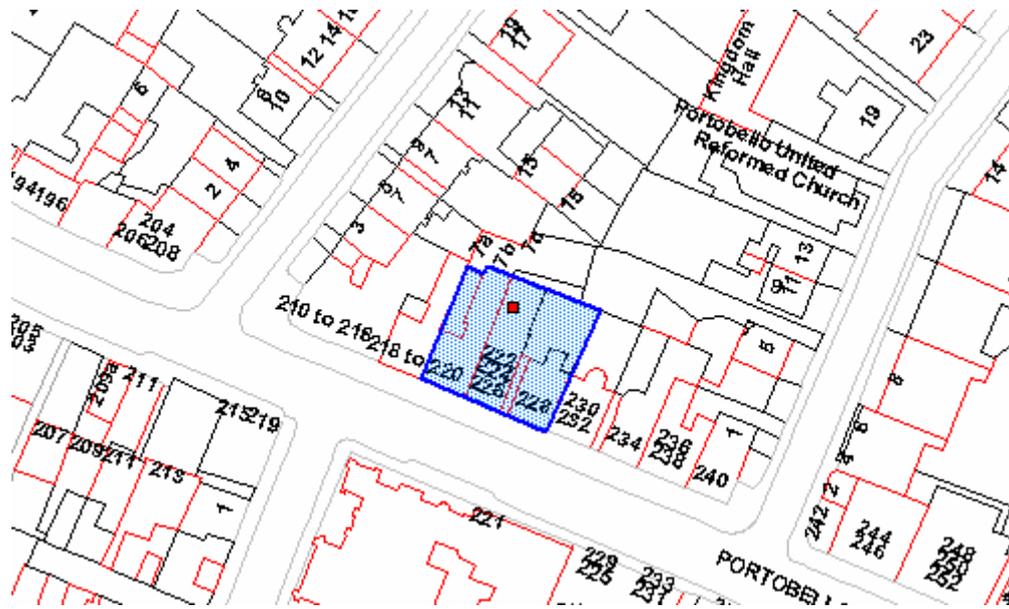
The noise impact assessment advises that most of the air conditioning plant and the ventilation plant will be switched off during the night time period. The agent for the application has confirmed that a timer switch will be utilised to ensure the required plant is switched off during the night time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

## Location Plan

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