

**Planning Permission 11/02842/FUL  
at  
28 Howe Street  
Edinburgh  
EH3 6TG**

---

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

---

## **1 Purpose of report**

To consider application 11/02842/FUL, submitted by Adam Richardson. The application is for: **Installation of external plant/machinery and roof alterations. (as amended).**

It is recommended that this application be **GRANTED** subject to the conditions below.

## **2 The Site and the Proposal**

### **Site description**

The application property is ground floor with basement retail unit in a 3-storey and basement, building by Robert Morrison, designed 1807, executed 1819. The building is category B listed (LB ref. no. 29120 listed on 10.11.1966) and situated within the World Heritage Site.

This property is located within the New Town Conservation Area.

## **Site History**

There is a concurrent Listed Building Consent application (application no. 11/02841/LBC) that assesses the impact on the listed building of the works applied for in this application. There is also an Advert application for the proposed signage to the front of the building (application no. 11/02841/ADV) these applications are to be determined by the DM sub-committee with this Planning application.

Another Planning application (application no. 11/0284/FUL) to do alterations to the shop front, has been withdrawn.

## **Pre-Application Process**

There is no pre-application process history.

## **Description Of The Proposal**

This application is for the provision of 3 A/C units and 4 condenser units on the flat roof of the rear extension.

## **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 permission.

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) the proposed use is acceptable in this location;
- b) the proposals have an adverse impact on the character or appearance of the conservation area;
- c) the proposals adversely affect the listed building or its setting; and

d) the proposals are detrimental to residential amenity or road safety.

a) This is not a change of use application. The existing use is retail (class 1) and the proposed use as a Sainsbury store will be the same. A number of letters of representation have been received which object to Sainsbury's being the new occupant of the premises as well as potential disturbance from deliveries waste odour and increased traffic. However since this is not a change of use it is not possible within the granting of planning permission for these works, to add conditions which would control this use. There will be a small component of baking done on the premises, which will involve the baking of semi-cooked or frozen products three times a day. The products would be for sale only in this branch. As such the bakery function is ancillary to the retail unit and is within the existing class use.

The use is established and therefore there are no issues of use.

b) The character of the New Town Conservation Area is described in the New Town Conservation Area Character Appraisal as follows:

"The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, strongly contributes to the character of the area".

The proposed plant will be placed on the flat roof of a non-original extension to the rear of the main building. The adjacent property to the south has a higher extension to the rear and the proposed plant will be concealed behind this and will not be readily viewed from street level in the lane to the rear. The change to the appearance of the conservation area will therefore be minimal

The proposals will not adversely affect the character and appearance of the conservation area.

c) The proposed works will be on the flat roof of a non-original extension and will not be very conspicuous. The works will not have an adverse impact on the listed building or its setting.

d) Environmental Services has not objected to the proposed mechanical equipment provided a condition is attached relating to the control of any noise that it may generate. The imposition of this condition will ensure that noise levels generated by the plant will be within acceptable levels.

There will be no detrimental impact on residential amenity.

The proposals comply with the development plan and non-statutory policies, have no adverse effect on the character or appearance of the conservation area or the setting of the listed building, and have no detrimental impact on residential amenity.

There are no material planning considerations which outweigh this conclusion.

It is recommended that the Committee approves this application, subject to the conditions stated relating to the control of noise.

### **REASON FOR DECISION**

The proposals comply with the development plan and non-statutory policies, and will have no adverse effect on the character or appearance of the conservation area or residential amenity.

**John Bury**  
Head of Planning

<b>Contact/tel</b>	Barbara Stuart on 0131 529 3927
<b>Ward affected</b>	A11 - City Centre
<b>Local Plan</b>	Edinburgh City Local Plan
<b>Statutory Development Plan Provision</b>	Urban Area
<b>Date registered</b>	31 August 2011
<b>Drawing numbers/ Scheme</b>	1, 2, 3a, 4a, 5a, 6a Scheme 2

#### **Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing on the Planning and Building Control Portal: [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner,  
Jenny Bruce on 529 3510. Email: [jenny.bruce@edinburgh.gov.uk](mailto:jenny.bruce@edinburgh.gov.uk).

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

## Appendix A



<b>Application Type</b>	Planning Permission
<b>Application Address:</b>	28 Howe Street Edinburgh EH3 6TG
<b>Proposal:</b>	Installation of external plant/machinery and roof alterations. (as amended)
<b>Reference No:</b>	11/02842/FUL

---

### Consultations, Representations and Planning Policy

#### Consultations

#### Environmental Services

*The application proposes the installation of air conditioning and refrigeration plant as part of planned refurbishment works at 28 Howe Street. The property has a shop on the ground floor with residential dwellings situated above. The surrounding area has a mixture of commercial and residential properties.*

*There has been a background noise survey submitted in support of the application. The nearest noise sensitive windows are located approximately 12 metres from the proposed location of the plant. The report states that NR25 (Noise Rating) will be achieved within the nearest noise sensitive properties.*

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

- 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.*

#### Representations

The application was advertised 12.09.2011. 23 letters of representation were received. Three letters were received from businesses, one each from the Northumberland Street Association, the Great King Street Association and the Stockbridge and Inverleith Community Council. Other letters were from neighbours or people living in the New Town. All of the letters are objections and material points of concern that relate to this application relate to:

- a) Conservation and design issues (taken account of in assessment b and c,)
  - Visual appearance of the AC units to the rear and effect on area
- b) Residential amenity (taken account of in assessment d.)
  - noise from mechanical equipment.

***Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.***

### **Planning Policy**

The site is located within the Edinburgh City Local Plan, in the Urban Area.

### **Relevant Policies:**

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

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.

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

#### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

**Non-statutory guidelines** on 'SERVICES ON BUILDINGS' supplement local plan conservation and design policies, providing additional guidance on the installation of services on the exterior of buildings.

## Appendix B



**Application Type** Planning Permission  
**Application Address:** 28 Howe Street  
Edinburgh  
EH3 6TG

**Proposal:** Installation of external plant/machinery and roof alterations. (as amended)

**Reference No:** 11/02842/FUL

---

### Conditions/Reasons associated with the Recommendation

#### Recommendation

It is recommended that this application be **GRANTED**

#### 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

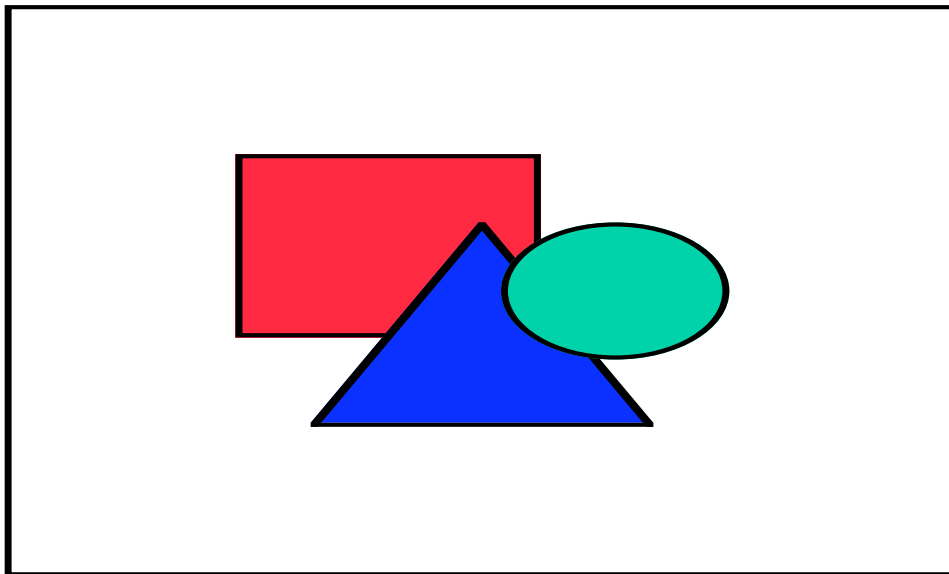


**Application Type** Planning Permission

**Proposal:** Installation of external plant/machinery and roof alterations. (as amended)

**Reference No:** 11/02842/FUL

---



### Location Plan

Reproduction from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office  
© Crown Copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence  
Number 100023420 The City of Edinburgh Council 2005.