

REPORT TO: Planning Committee
MEETING DATE: 20 August 2024
BY: Executive Director – Place
SUBJECT: Application for Planning Permission for Consideration

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Note: This application has been called off the Scheme of Delegation List by Councillor Forrest for the following reason: Due to objections I have received, I feel that this would warrant a discussion at the Planning Committee.

Application No. **24/00238/LBC**

Proposal Installation of vent, air conditioning unit, erection of signage and painting of frontage of building (Part retrospective)

Location **82 - 84 High Street
Musselburgh
East Lothian
EH21 7BX**

Applicant Crown Nails & Spa

Per One Foot Square

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

This application relates to the building of 82-84 High a two storey, mid-terrace building and in particular to the ground floor commercial premises and the associated communal close giving access to the rear of the building. The building is located within Musselburgh Conservation Area.

This application has been re-registered due to comments being received which raised issue with the land ownership and address of the application site.

Listed building consent is sought retrospectively for:

- i) The installation of a mechanical extract vent within the fanlight situated above the entrance door to the front (north) elevation of the communal close and for its associated ducting which is enclosed within a timber bulkhead that has been installed within the communal close of the building;
- ii) The installation of an air conditioning unit to the security bars to the window at

ground floor level on the side (east) elevation of the building;

iii) The installation of signage comprising acrylic gold raised lettering with associated backing board which is attached to the fascia on the front (north) elevation of the commercial premises within the ground floor of the building;

iv) The installation of a projecting box sign to the front (north) elevation of the building;
and

vi) The painting of the shopfront of the commercial premises in black in colour.

Through separate application 24/00237/P planning permission is sought retrospectively for the installation of a vent and air conditioning unit. That application stands to be determined on its own merits.

The acrylic signage that has been attached to the fascia to the front (north) elevation of the building comprises of raised gold lettering which reads 'Crown Nails & Spa'. The signage also includes the logo of the business, social media logos, telephone number and address in gold which are all mounted on the gloss black backing board. There is an existing trough lighting shroud with a neon light fitment situated at the top of the backing board.

The acrylic projecting box sign is positioned 3 metres above the street level and projects out from the front (north) elevation of the building by 1.2 metres. The projecting sign contains the lettering 'Crown Nails & Spa' in white which is seen against the black backdrop of the sign which features an aluminium metal casing trim. The projecting sign is internally illuminated.

DEVELOPMENT PLAN

Material to the determination of the application is Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019.

The Historic Environment Policy Statement and National Planning Framework 4 echo the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

Also material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area.

Also material to the determination of the application is supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' adopted by the Council on 30 October 2018. The SPG states that painting external walls will only be supported where it is an established local practice accepted by the Council. It states that where appropriate,

painting must respect the architectural features of a building or structure and that colours must harmonise on both the building itself and with adjacent buildings. It also states that alterations to listed buildings must not harm the special architectural or historic interest of the listed building and must preserve, or enhance, the historic character and appearance of a conservation area.

Policy 7 (Historic Assets and Places) of NPF4 is relevant to the determination of this application. Policies CH1 (Listed Buildings) and CH2 (Development Affecting Conservation Areas) of the adopted East Lothian Local Development Plan 2018 are also relevant to the determination of this application.

REPRESENTATION

Four letters of objection have been received in relation to this application. In summary, the main grounds of objection are:

- i) The works were undertaken without notification, consultation or consent of neighbouring properties;
- ii) Damage has been caused to the building which is listed and situated within the Musselburgh Conservation Area as a result of the works;
- iii) The removal of a section of glazing to install the extract vent within the fanlight is detrimental to the Conservation Area and results in a loss of light to the communal close;
- iv) The works are unsightly and have spoiled the character of the entry to the property which is listed and situated within the Musselburgh Conservation Area;
- v) The works are detrimental to the amenity of neighbouring properties and the communal close;
- vi) The fumes from the business are now extracted below the windows of neighbouring residential properties and an objector notes they can smell fumes within their property; and
- vii) No other nail shops on the High Street appear to ventilate their premises through a residential property.

An application for listed building consent can only consider the impact of any works on the special architectural or historic interest of the listed building and on the character and appearance of a conservation area. Therefore the matter of damage caused to the building as a result of the works is not material to the determination of this application for listed building consent. That would be a civil matter between affected parties.

Any complaints about fumes from the nail bar would be a matter for the Council's Protective Services to investigate. Those complaints would not be relevant to the determination of this application for listed building consent.

The matters raised regarding a loss of light to the communal close is assessed in the associated planning application and is not a material consideration in the determination of this application for listed building consent.

Furthermore, the comments noting other nail shops have not vented their fumes via a residential property is not a material consideration in the determination of this listed building consent.

PLANNING ASSESSMENT

The mechanical extract vent has been installed within the fan light (window) above the door in the front (north) elevation of the building. It is readily visible from public views from High Street. However, the extract vent whilst visible is small in size and scale and is seen in relation to

the commercial frontages of Musselburgh High Street. Therefore it is not an overly prominent feature on the building. It does not harm the special architectural or historic interest of the listed building.

The timber bulkhead has been installed within the communal close enclosing ducting from the commercial premises at 84 High Street and connects to the mechanical extract vent installed within the fanlight on the front (north) elevation of the building. Whilst the timber bulkhead is visible within the communal close it is not visible from out with it. Neither does it mask or draw focus from any part of the listed building that is of particular special architectural or historic interest. Therefore provided the timber bulkhead is painted a colour to match the wall colour of the communal close which can be made a condition of any grant of listed building consent the timber bulkhead it is not harmful to the special architectural or historic interest of the listed building. By virtue of the form, size and positioning of the mechanical extract vent, and as the associated ducting and timber bulk head are within the communal close they do not harm the character and appearance of the Musselburgh Conservation Area.

The air conditioning unit has been attached to a ground floor window on the rear (south) elevation of the building, below an external stair. In its positioning below the external stair of the building it does not mask or draw focus from any part of the listed building that is of particular

special architectural or historic interest. Therefore, by virtue of its form size, materials and positioning the air conditioning unit does not harm the special architectural or historic interest of the listed building and does not harm the character and appearance of the building, the

surrounding area or the Musselburgh Conservation Area.

The ground floor shopfrontage of the building has been painted black in colour. Musselburgh High Street features a variety of buildings, some of which are listed buildings, which have different coloured shopfronts. Therefore, the painting of the shopfront of this building black in colour therefore does not appear overly prominent or incongruous and does not harm the special architectural or historic interest of the listed building or harm the character and appearance of the Musselburgh Conservation Area.

The signage that has been formed on the frontage of the building comprises gold coloured raised lettering on the existing fascia board which reads 'Crown Nails & Spa' that is illuminated by an external strip light. Other signage on the fascia includes the logo of the business, social media

logos, telephone number and address in gold which are all mounted on the gloss black backing board. In the context of the shop frontages of Musselburgh High Street and in close proximity to other premises with illuminated fascia signage the signage is not harmful to the special

architectural or historic interest of the listed building.

As these works do not detract from the special architectural or historic interest of the listed building, they also preserve the character and appearance of the Musselburgh Conservation Area.

The projecting sign is positioned on the western end of the front (north) elevation of the

building. It is of a non-traditional box like form and appearance and is internally illuminated. Due to its non-traditional projecting box like form and internal illumination it is of a form and appearance that is harmful to the special architectural or historic interest of the listed building and therefore harmful to the character and appearance of the Musselburgh Conservation Area. Therefore, to safeguard the special architectural or historic interest of the listed building it should be made a condition of any grant of listed building consent that the internally illuminated projecting box sign should be refused listed building consent.

Therefore, with the exception of the internally illuminated projecting box sign, the works are consistent with Policies CH1 and CH2 of the adopted East Lothian Local Development Plan 2018 and the Historic Environment Policy for Scotland (HEPS): April 2019. The proposals are also consistent with Policy 7 of NPF 4 and the Council's Supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' (October 2018). Therefore, the proposals are considered to be in accordance with the provision of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposals accordance with the Development Plan.

As an unauthorised and unacceptable form of advertisement the illuminated projecting box sign is a breach of planning control. If it is not removed from the frontages of the premises of 84 High Street within one month of the date of the decision notice for this application then enforcement action will be taken to secure the removal of the unauthorised advertisement, with the period for compliance with the enforcement notice being two months.

CONDITION:

- 1 Listed building consent is not hereby granted for the internally illuminated projecting box sign on the front (north) elevation of the building.

Reason:

The projecting box sign is harmful to the special architectural or historic interest of the listed building and harmful to the character and appearance of the Musselburgh Conservation Area. It is Contrary to Policy 7 of National Planning Framework 4, Policies CH1 and CH2 of the adopted East Lothian Local Development Plan 2018, The Cultural Heritage and the Built Environment Supplementary Planning Guidance and the Historic Environment Policy for Scotland (HEPS): April 2019