

Development Management Sub Committee

Wednesday 9 May 2018

Application for Planning Permission 17/05645/FUL At 7-8 Baxter's Place, Edinburgh, EH1 3AF Change of Use from residential (class 9) to short stay serviced apartments (class 7) (in retrospect)(amended)

Item number	4.1
Report number	
Wards	B11 - City Centre

Summary

The application complies with the adopted Local Development Plan and non-statutory guidance. The proposal is acceptable; the change of use from residential to serviced apartments is acceptable in principle and there will be no detrimental impact on neighbouring amenity. There are no implications in terms of the listed building and conservation area, or for human rights and equalities. There are no material considerations that outweigh this conclusion and approval is recommended.

Links

Policies and guidance for this application	LDPP, LDES05, LEMP10, LEN01, LEN04, LEN06, NSLBCA, NSBUS, CRPNEW,
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Report

Application for Planning Permission 17/05645/FUL At 7-8 Baxter's Place, Edinburgh, EH1 3AF Change of Use from residential (class 9) to short stay serviced apartments (class 7) (in retrospect)(amended)

Recommendations

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

Background

2.1 Site description

The application site comprises two, three-storey, former Georgian townhouse at 7 and 8 Baxter's Place.

The terrace (1-9) was designed by John Baxter, circa 1800 comprising a classical tenement block of 3-storey plus basement and attic properties. The building was listed category 'A' on 14 December 1970 (ref: 28279).

The site is within a mixed use area with commercial properties located below and adjacent. The neighbouring property to the south west is a hotel and residential properties are located to the north east of the building.

Access to the property is recessed between two outshoot commercial units, a pub and a restaurant, and is up a set of stone stairs.

The site is located within the World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

24 February 2016 - Planning permission granted at committee for: Alterations and change of use of existing Edinburgh City Football club Ltd social club to 5 no. dwelling flats (Application Reference: 15/02138/FUL).

March 2017 - Enforcement Investigation: Unauthorised change of use (enforcement reference: 17/00113/ECOU).

Main report

3.1 Description Of The Proposal

Retrospective planning permission is sought for the change of use of a residential block of six flats to class 7 short stay serviced apartments. Class 7 is defined in the Use Classes (Scotland) Order as a hotel, boarding house, guest house or hostel. The submitted drawings indicate a total of 48 beds in five flats. One of the existing ground floor flats is to be used as a reception/meeting area for the guests and an area to provide breakfasts and tea and coffee.

Scheme One

The initial scheme proposed six short stay apartments. This was revised to use one of the apartments as a reception area.

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.

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

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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?

3.3 Assessment

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

- a) the proposed change of use is acceptable in principle;
- b) there will be no detrimental impact on the listed building, conservation area or World Heritage Site;
- c) there will be no detrimental impact on neighbouring amenity;

- d) transport impact has been assessed;
- e) there are any implications for human rights and equalities; and
- f) any public comments raised have been addressed.

a) Principle

The site lies within the urban area as defined by the adopted Local Development Plan (LDP). LDP Policy Emp 10 considers proposals for hotel (class 7) uses, which states that hotel development will be permitted in locations within the urban area with good public transport access to the city centre. As the site is within the urban area with good links to the city centre, the principle of the development is acceptable at this location and complies with Policy Emp 10. The LDP does not include any policies on loss of residential use.

b) Historic Environment

The building is category A listed but all internal works have been undertaken under the 2016 approval for change of use to flats. The proposed change of use will not have a detrimental impact on the listed building. There are no implications in terms of the external character of the listed building or for the conservation area and World Heritage Site. The proposal complies with LDP Policies Env 1, Env 4 and Env 6.

c) Neighbouring Amenity

The surrounding area is characterised by a mix of uses. The property is not located in a predominantly residential area and therefore LDP policy Hou 7 does not apply.

LDP Policy Des 5 states that development will be acceptable where the amenity of neighbouring developments is not adversely affected. The serviced apartments are situated within a self-contained block of flats benefitting from its own entrance. There are no private residential properties within the block. The surrounding uses include a hotel to the south west of the site, a restaurant and a bar/nightclub below as well as residential properties. The nearest residential properties are separated at ground floor level from the entrance to this building by existing commercial uses. Given the nature of surrounding uses and that the apartments are self-contained within one building, the amenity of neighbouring properties would not be adversely affected by this proposal.

Furthermore, the introduction of a dedicated reception area should help minimise any impact from the premises.

The proposal complies with LDP policy Des 5.

d) Transport Impact

The site benefits from good transport links and the Roads authority has no objection. There is no requirement for any parking spaces or a tram contribution.

e) Human Rights and Equalities

This application was assessed in terms of potential impacts on human rights and equalities; none were identified.

f) Public Comments

Material Considerations

- Loss of residential properties: Addressed in section 3.3 a);
- Impact on amenity: Addressed in section 3.3 c); and
- Traffic congestion/drop off: Addressed in section 3.3 d).

Non-Material Considerations

- Fire hazard: This would be dealt with by Building Standards;
- Anti-social behaviour: Any anti-social behaviour should be reported to Police Scotland;
- Drainage: This would be dealt with by Building Standards; and
- Quality of construction work: This would be dealt with by Building Standards.

Conclusion

The application complies with the adopted Local Development Plan and non-statutory guidance. The proposal is acceptable; the change of use from residential to serviced apartments is acceptable in principle and there will be no detrimental impact on neighbouring amenity. There are no implications in terms of the listed building and conservation area, or for human rights and equalities. There are no material considerations that outweigh this conclusion and approval is recommended.

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

3.4 Conditions/reasons/informatives

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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Following statutory neighbour notification and advertisement, seven letters of objection have been received. The matters raised are addressed in the assessment section of the report.

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**

The site is within the Urban Area, World Heritage Site and New Town Conservation Area as defined by the adopted Local Development Plan.

Date registered

10 January 2018

Drawing numbers/Scheme

01-02, 03A, 04-07,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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.

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.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

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Consultations

Roads Authority

No objections to the application.

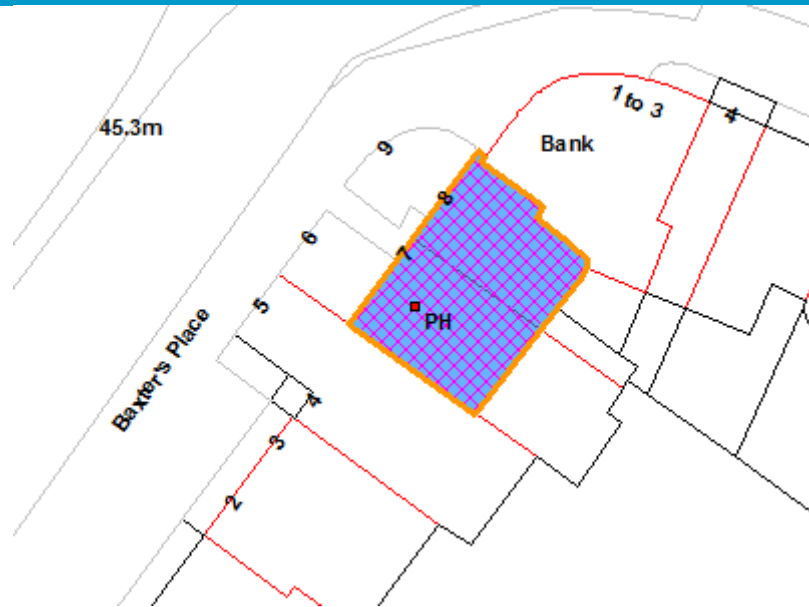
Note:

- a. Tram contribution for the existing 6 residential use in Zone 1=£19,000; tram contribution for the proposed 11 commercial letting/hostel with 492.31m² GFA=£0, 00; No tram contribution required.
- b. The applicant proposes no parking provision and complies with the Council's 2017 parking provision which allows no parking provision for the proposed use in Zone 1.

Environmental Protection

Environmental Protection was consulted as part of the application process but no response was submitted.

Location Plan



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