

Development Management Sub-Committee Report

Wednesday 6 September 2023

**Application for Planning Permission STL
Wallace College, 12 George IV Bridge, Edinburgh.**

Proposal: Conversion of existing language school to 7 no. serviced apartments to be operated and managed as one business. Removal of non-load bearing internal partitions and new internal fit-out.

**Item – Committee Decision
Application Number – 23/01036/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Given the significance of the issue of short term lets (STLs) to the public interest at present, the Chief Planning Officer considers this application should be decided by Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the Listed Building, or its setting and it will preserve or enhance the character and appearance of the Conservation Area.

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) and the Edinburgh Local Development Plan (LDP).

SECTION A – Application Background

Site Description

The application site is on the first floor of a three- storey, attic, and basements (to Cowgate) tenement building with shops to ground floor at George IV Bridge. The building presents a four-storey tenement to George IV Bridge. The application property has its own access from the main street of George IV Bridge and internal stairs providing access from the main street. On the George IV Bridge Street level there are two restaurants and a shop. On the second and third floors there are residential properties.

George IV Bridge is a key thoroughfare served by public transport routes and benefiting from significant footfall. There are a mix of uses on the street including residential, offices, cultural, retail, restaurants, and public houses.

The application property is a category B listed building (LB 30110, 19/12/1979).

The application site is in the Old and New Towns of Edinburgh World Heritage Site and the Old Town Conservation area.

Description of the Proposal

The application is for alterations and change of use from language school/office to form seven serviced apartments to be operated and managed as one business. The proposal is to remove 1970s internal partitions and install new floors, ceilings, and internal fittings to create each serviced apartment. Secondary glazing will be added to existing windows and sash and case frames will be retained and restored. A discreet sign will replace the existing signage above the entrance door. Two louvred extract vent outlets will be added to the rear elevation.

Supporting Information

Design and Access Statement (amended).

Relevant Site History

No relevant site history.

Other Relevant Site History

23/01034/LBC

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 18 July 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 24 March 2023

Site Notices Date(s): 21 March 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) Compliance with Planning Legislation on Listed Buildings and Conservation Areas

Setting of Listed Buildings

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The document states that where development is proposed it is important to:

- *" identify the historic assets that might be affected;*
- *define the setting of each historic asset; and*
- *assess the impact of any new development on this".*

Two new louvred extract vent outlets will be installed at the rear (west) elevation. These will be minor alterations and finished in a light grey colour and are acceptable.

Secondary glazing will be installed to the interior of all windows. This is acceptable as the existing sash and case frames will be retained.

A new discreet signage plaque will replace the existing sign above the front entrance door.

These proposals will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

The proposal harms neither the listed building nor its setting. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area."

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

The proposed external changes at the property are minimal and detailed above. The impact on the appearance of the conservation area is acceptable. In terms of the character of the conservation area, the proposal will provide accommodation for tourists and individuals visiting the city, within an area of mixed use. The proposal will not have a negative impact on the character and appearance of the conservation area.

Conclusion in relation to the conservation area

The proposals are acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

a) The proposals comply with the development plan?

National Planning Framework 4 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. There are several policies in the Edinburgh Local Development Plan (LDP) that are equivalent to policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets.

The non-statutory 'Guidance for Businesses' (2023) is a material consideration that is relevant when considering change of use applications.

Listed Building, Conservation Area and World Heritage Site

The proposed external and internal works to the property are acceptable and there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposal will have a neutral impact in terms of NPF 4 Policy 1.

NPF 4 Policy 30 seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (e) specifically relates to STL proposals.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to a short term let will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand and
- The nature and character of any services provided.

Amenity

The applicant has submitted a design and access statement which states that George IV Bridge is a major tourist destination. It confirms that at ground floor level along the length of the street there are restaurants, cafes, and bars with some retail units. It also states that there are existing serviced apartments operating in the vicinity of the application site.

The application property has its own main door entrance leading to a hallway and stairs rising up to first floor level from George IV Bridge. There is no garden ground to the front and rear. The character of George IV Bridge is a busy thoroughfare, with considerable pedestrian footfall and vehicular traffic passing along the street. The application site is located directly above two restaurants and a shop and is in close proximity to a range of leisure and night-time uses. These neighbouring uses generate high ambient noise levels in the street during the daytime and night-time, which occupants of the upper flats on the second and third floors of the building are currently exposed to.

The proposed STLs would not give rise to significant additional noise nuisance to the occupants of the upper flats over and above the existing ambient noise levels which the occupants already experience from the surrounding uses.

In these circumstances the STL use is acceptable, and the proposal complies with NPF 4 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

NPF 4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

The property is currently a language school/office. Therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

Transport

The proposed site is within the scope of the operational Edinburgh Tram and a tram contribution is being sought based on the proposed 7-bed development (£13,000) and the existing 300 square metres office (£9,410) in Zone 3 for the proposed works. It is recommended that a contribution of £3,590 be secured through a legal agreement.

There is no off-street car parking available within the site and this is acceptable as the application property is in the city centre where car use is discouraged. The site is highly accessible by public transport. There are no cycle parking standards for STLs. The design statement states that there is no available space within the building for bicycle storage. The proposals comply with LDP policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with LDP policy Hou 7 and NPF 4 policy 30(e).

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

non-material considerations- in support

- The applicant is addressing potential anti-social behaviour. This is a Police Scotland matter.

Conclusion in relation to identified material considerations

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the Listed Building, or its setting and it will preserve or enhance the character and appearance of the Conservation Area.

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) and the Edinburgh Local Development Plan (LDP).

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to all of those matters identified in the proposed Heads of Terms.

These matters are:

Transport: The applicant will be required to make a tram contribution to the sum of £3,590.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood showing cycling, walking and public transport routes to key local facilities, timetables for local public transport.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 14 March 2023

Drawing Numbers/Scheme

01-08

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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Appendix 1

Summary of Consultation Responses

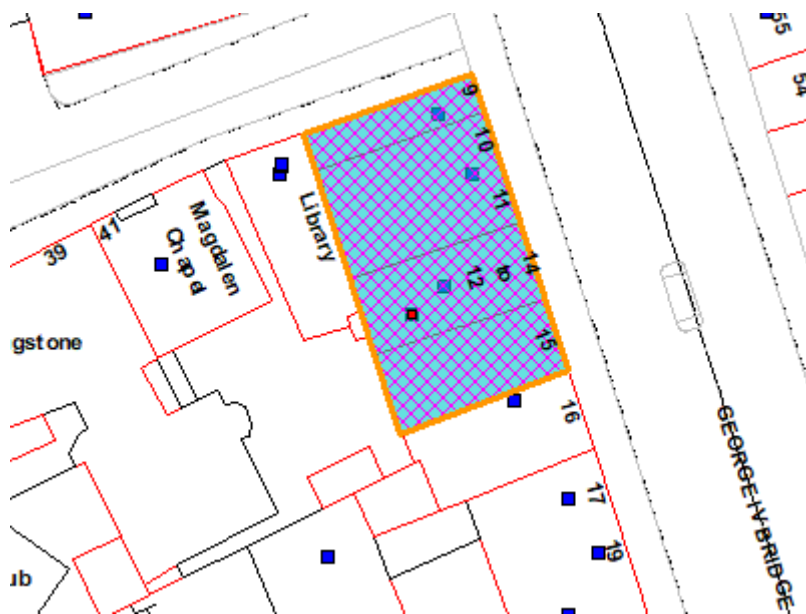
NAME: Transport

COMMENT: No objections to the application to conditions and informatives.

DATE: 14 April 2023

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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