

# Development Management Sub-Committee Report

**Wednesday 4 October 2023**

## **Application for Planning Permission**

**104 - 106, 107 & 108 Princes Street, Edinburgh, EH2 3AA**

**Proposal: Redevelopment including demolition for hotel use (Class 7) with ancillary bar /restaurant facilities and retail use at basement and ground levels including associated alterations and extensions. (As amended).**

## **Item – Committee Decision**

**Application Number – 23/01417/FUL**

**Ward – B11 - City Centre**

## **Reasons for Referral to Committee**

### **Recommendation**

It is recommended that this application be **Minded to Grant - Legal Agreement** 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 the character and appearance of the Conservation Area.

The proposals will have due regard for the global climate and nature crisis, will preserve the special architectural and historic interest of the listed buildings, the character and appearance of the conservation area and the outstanding universal value of the World Heritage Site. The proposals are acceptable in principle and are of an acceptable design. The proposals do not result in an unacceptable impact to neighbouring amenity, flooding, biodiversity, and archaeology, and do not raise concerns regarding transportation. Therefore, the proposals comply with the overall objectives of the Development Plan. No other material considerations identified outweigh this conclusion. It is therefore recommended that the application is granted.

## **SECTION A – Application Background**

### **Site Description**

The application site totals 0.22 hectares of land, and is comprised of three buildings located on the northern side of Princes Street operated as a mix of retail units and offices. The site is bounded to the rear by Rose Street South Lane and to the east and west by other buildings.

Two of the three buildings on the site are category B listed. 104-105 Princes Street is the former Clarendon Hotel and arcade (ref: LB29511; date: 20/02/1985) and 106 Princes Street is a late 18th century townhouse (ref: LB43324; date: 28/03/1996). To the immediate west of the site are the category B listed buildings 109, 110 and 111 Princes Street (ref: LB30147; date: 12/12/1974). To the north of the site across Rose Street South Lane are the category B listed buildings 116 Rose Street (ref: LB29648; date 28/03/1996) and 138-142 (even nos) Rose Street (ref: LB29649; date 28/03/1996). There is an extant permission in place at 109 - 112 Princes Street and 144-150 Rose Street for the site's redevelopment and change of use to form a hotel with retail on the lower floors and associated ancillary uses (application ref: 20/05444/FUL).

The site is located within the New Town Conservation Area, the Old and New Towns World Heritage Site, the New Town Gardens and Dean Historic Garden Designed Landscape, the City Centre, the City Centre Retail Core, and the designated Urban Area.

Public transport links are highly accessible from the site.

### **Description Of The Proposal**

Redevelopment including demolition for hotel use (Class 7) with ancillary bar and restaurant facilities and retail use at basement and ground levels including associated alterations and extensions. The demolition refers to 107-108 Princes Street, a non-listed early 1970's panel building, and to areas of the rear of 106 and 104 -105 Princes Street, including the arcades. The facades and significant proportions of 106 and 104-105 are to be retained, though works to enable the conversion of the remaining historic fabric are proposed.

A seven storey building at 107-108 Princes Street is proposed, stepping down to six storeys at the rear of 106 and 104-105 Princes Street. This includes a new frontage to Princes Street in the footprint of 107-108 Princes Street and a new rear elevation facing Rose Street South Lane. Three new shop frontages are proposed, featuring a retail unit at the ground and first floor of 107-108 Princes Street and a combined hotel entrance lobby at 106 and 104-105 Princes Street. The upper floors of the three buildings are to be amalgamated into areas for hotel bedrooms and servicing, arranged around three external courtyards. Structural works and roof replacement will be undertaken to ensure the stability of the existing listed buildings, whilst major internal refurbishment works at 106 and 104-105 Princes Street are proposed to enable the proposed use. A bar area is proposed at the sixth floor of 104-105 Princes Street.

In total 5000 sqm of Class 7 hotel use space is proposed (347 bedrooms), including associated ancillary bar and restaurant facilities, and 935 sqm of retail use. The site will be accessed via Princes Street and Rose Street South Lane.

## **Supporting Information**

- Planning Statement
- Design and Access Statement (Revised)
- Heritage and Townscape Statement (Revised)
- Pre-Application Consultation Report
- Hotel Needs Study
- Air Quality Screening Assessment
- Noise Impact Assessment (Revised)
- Preliminary Bat Roost Assessment and Nesting Bird Survey Report (Revised)
- Daylighting Impact Assessment
- Economic Benefits Statement
- Transport Statement
- Surface Water Management Plan and Flood Risk Assessment (Revised)
- Surface Water Management Plan Checklist
- Sustainability Statement and S1 Sustainability Statement Form
- Energy Statement
- Phase 1 Geo-environmental and Geotechnical Desk Study

## **Schedule Two**

Application amended to narrow the link between the newbuild and historic frontage buildings, to introduce a setback to the upper most storey at the rear of 104-105 Princes Street, and to alter the Princes Street elevation roofscape of 107-108 Princes Street.

## **Relevant Site History**

23/01420/LBC

104-105 Princes Street

Edinburgh

EH2 3AA

Internal and external alterations including partial demolition and rear extension to form new hotel. (As amended).

23/01422/LBC

106 Princes Street

Edinburgh

EH2 3AA

Internal and external alterations, including partial demolition and rear extension, to form new hotel. (As amended).

23/01425/CON

107 - 108 Princes Street

Edinburgh

EH2 3AA

Demolition of retail and office building. (As amended).

20/00569/FUL

104 - 106 Princes Street

Edinburgh

EH2 3AA

External alterations including removal of timber fascias to reveal original concrete cantilevered roofs, installation of glazing to existing window openings and installation of glazed doors within existing shelters at West Princes Street Gardens (Resubmission related to 19/05353/FUL).

Granted

30 March 2020

20/00570/LBC

104 - 106 Princes Street

Edinburgh

EH2 3AA

Alterations to cantilevered roof, installation of glazing within existing window openings, installation of glazed doors and internal alterations including installation of new linings to existing shelters at West Princes Street Gardens.

Granted

30 March 2020

02/01586/LBC

104-106 Princes Street

Edinburgh

EH2 3AA

Erect new shopfront, signage, rear extension to second floor and fire escape link and internal alterations

Granted

3 October 2002

02/01586/FUL

104-106 Princes Street

Edinburgh

EH2 3AA

Erect new shopfront, rear extension to second floor and fire escape link

Granted

11 September 2002

93/00834/FUL

104-106 Princes Street

Edinburgh

EH2 3AA

Carry out stonecleaning, stonework repairs & roof works.

Refused

4 August 1993

20/05444/FUL

109, 110 And 111 Princes Street,  
112 Princes Street And 144-150 Rose Street  
(Debenhams)

Proposed redevelopment + change of use of existing premises to form hotel with rooftop bar/restaurant, active uses at lower floors including restaurant/bar/retail/flexible meeting/event/venue space, health suite/gym, together with ancillary uses, associated works/alterations/demolitions (use classes 1/2/3/4/7/11 and sui generis).

Granted

27 January 2022

### **Other Relevant Site History**

No other relevant site history was identified.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Historic Environment Scotland  
Edinburgh World Heritage  
Archaeology  
Economic Development  
Flooding  
Edinburgh Trams  
Transport

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 21 August 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 28 April 2023

**Site Notices Date(s):** 25 April 2023

**Number of Contributors:** 11

## **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) The proposals harm the listed building and its setting?**

The following HES guidance is relevant in the determination of this application:

- Managing Change In the Historic Environment Guidance on the Principles of Listed Building Consent
- Managing Change In the Historic Environment Guidance on Conservation Areas
- Managing Change In the Historic Environment: External Walls
- Managing Change In the Historic Environment: Gardens and Designed Landscapes
- Managing Change In the Historic Environment: Interiors
- Managing Change In the Historic Environment: Setting
- Managing Change In the Historic Environment: Shopfronts and Signs
- Managing Change In the Historic Environment: Use and Adaptation of Listed Buildings
- Managing Change In the Historic Environment: Windows
- Managing Change In the Historic Environment: World Heritage

### *Setting of Listed Buildings*

Though the proximity of several listed buildings to the site is noted, the proposal is not considered to have a negative impact on the setting of any nearby listed buildings due to the site's location within a dense urban townscape.

#### *104-105 Princes Street*

104-105 Princes Street is a 4-bay former hotel with mansard roof, featuring a modern retail unit and shopfront at the ground floor and forming a significant part of Princes Street's streetscape. The building features a decorative front façade that utilises a polished cream ashlar sandstone finish. The upper floors of the building are disused and in an advanced state of disrepair. To the rear of the building is the former arcade and workshop area featuring a notable stone façade that faces onto Rose Street South Lane, which though altered, contributes to the significance and special architectural interest of the building. Internally the building has undergone significant and repeated modern alteration leaving few original features intact. The ground and first floors were most recently converted to open-plan retail space, whilst several windows have been covered and converted to host plant machinery, which Historic Environment Scotland notes as being of detriment to the character of the building.

In essence, the scheme seeks to retain and restore the façades of the listed building, whilst converting the internal site area into usable commercial space, including the addition of significant mass to the rear of the building. On balance the proposal should not be seen as of harm to the special architectural or historic interest of the listed building. Historic Environment Scotland has not objected to the proposal.

The additional height and massing proposed to the rear of the building will obscure much of the surviving rear elevation of the frontage blocks of 104 - 105 Princes Street and reduce the existing distinction between the frontage building and the arcade to its rear, leaving little articulation of the form of the former arcade buildings when viewed from Rose Street South Lane. However, in other aspects the proposal represents an opportunity for conservation gain, as the proposal will involve works to address structural issues and to rectify the harm done by various internal modern alterations. In particular the scheme will reintroduce courtyard areas to the rear of 104 - 105 Princes Street, revealing the rear wall of the listed building. A condition has been attached to the consent requiring the in-situ retention of the rear façade of 104 - 105 Princes Street, addressing concerns raised by Historic Environment Scotland regarding the impact on the stability of the stonework should it be taken down and rebuilt as proposed.

#### *106 Princes Street*

106 Princes Street is a late 18th Century 3-storey 3-bay former townhouse with a 19th century timber build out at 1st floor and modern shop build out at ground level. The building is a significant surviving part of the original fabric of Edinburgh's New Town. Few internal historic features remain following significant and repeated modern alterations.

Following amendments to the originally proposed scheme the existing timber work and bay window arrangement at first floor level and the roof (excluding the dormer windows) is to be retained. Whilst the rear building that is to be removed is part of the listing it does not contribute to the character or significance of the frontage former townhouse.

On balance, the proposal is not considered to be of harm to the special architectural or historic interest of the listed building. Historic Environment Scotland has not objected to the proposal.

### **Conclusion in relation to the listed building**

The proposal will preserve the special architectural and historic interest of the listed buildings. It is 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?**

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 and identifies the key characteristics of the New Town as:

- Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces;
- terminated vistas within the grid layouts and the long-distance views across and out of the conservation area;
- a richly varied topography of ancient landform shaped by volcanism and later by glacial scouring;
- internationally important private and public open spaces lying within, and on the edge of a neoclassical grid pattern and reflecting the picturesque tradition of landscape improvement; and
- gardens that create open and framed long distant picturesque views of exceptional quality.

104-105 Princes Street and 106 Princes Street are considered to make a significant contribution to the New Town Conservation Area, whilst 107-108 Princes Street is not considered to be of heritage value. As the special architectural and historic interest of 104-105 Princes Street and 106 Princes Street is to be preserved, the proposed alterations to the two buildings are considered to preserve the character and appearance of the Conservation Area. The demolition of 107-108 Princes Street is not considered to impact the character or appearance of the conservation area as it is not understood to contribute to the character or appearance of the conservation area.

The proposed building at 107-108 Princes Street makes use of a suitable contemporary design, reflecting the architectural features of buildings that contribute to Princes Street's streetscape. In broad terms, what is proposed preserves the spatial and structural patterns of the area and makes use of high quality materials appropriate to the location. In terms of the Princes Street elevation, the proposal reinforces the formal plan form of the first New Town, replacing a building that whilst representative of its time, utilised a design and materials that do not fit closely with adjacent buildings. In terms of the Rose Street South Lane elevation, the proposals reinforce the character of the lane and it's primary historic function as an access route for the servicing of buildings that front onto Princes Street.



The predominant impact the proposed development will have is to the roofscape of the New Town, altering the roofline of a section of Princes Street. When considering views from the Old Town towards the New Town, the additional building mass to the rear of 104-105 Princes Street, 106 Princess Street and the proposed building at 107-108 Princes Street will be most prominent, impacting on the varied roofscape of the New Town, and in particular partially obscuring views to buildings located between Rose Street South Lane and Rose Street. However, these views are not protected or otherwise identified in the Edinburgh Design Guidance, Skyline Study or the New Town Conservation Area Character Appraisal and consequently the impact is considered acceptable.

### **Conclusion in relation to the conservation area**

The works will preserve the special character and appearance of the conservation area. The proposals are acceptable with regards 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 (NPF4) 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. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- LDP Delivering the Strategy Policies Del 1 and Del 2.
- LDP Design policies Des 1, Des 4, Des 5, Des 11, and Des 13.
- LDP Environment policy Env 21.
- LDP Employment and Economic Development policy Emp 10.
- LDP Retail policies Ret 1 and Ret 2.
- LDP Transport policies Tra 1, Tra 2, and Tra 3.
- LDP Resources and Services policy RS 6.
- NPF4 Sustainable Places policies 1, 2, 3, 7, and 12.
- NPF4 Liveable Places policies 14 and 22.
- NPF4 Productive Places policies 27, 28, and 30.

The non-statutory Edinburgh Design Guidance, Listed Buildings and Conservation Area Guidance and Guidance for Businesses are relevant material considerations when assessing the application's compliance with the development plan.

The City Centre Princes Street Development Framework and the Princes Street (Blocks 1-7a) Development Brief are relevant material considerations when assessing the application's compliance with the development plan.

#### **Principle of use**

The proposal is for a mixed use development that will enhance and improve the vitality and viability of the City Centre, generating significant footfall in the area and contributing to the diverse range of tourist accommodation available in Edinburgh. Retail uses are to be retained at the ground floor in keeping with the current pattern of

development of Princes Street, the Princes Street (Blocks 1-7a) Development Brief, and a town centre first approach, whilst the increased density of activity that will result from the proposal contributes to maximising the potential of the site. The retail units that are proposed will strengthen the role of Edinburgh's city centre retail core as a regional shopping centre and safeguard historic character.

Whilst the proposal does not deliver offices on the upper floors, which is noted as the preferred use in LDP Policy Des 2 criteria c, in this circumstance the proposed Class 7 Hotel use is considered acceptable given the proximity of the site to major tourist attractions and public transport facilities, as well as the likely economic benefits of the proposal as demonstrated by the Economic Benefits Statement provided by the applicant and the consultation response from the Council's Development & Regeneration Service.

The proposal complies with LDP policies Del 2, Emp 10, Ret 1 and Ret 2, and NPF4 policies 27a, 27b, 28a and 30b.

### Climate Change & Sustainability

The proposal will have a positive impact on the climate and nature crisis. It is estimated that the proposal will result in a significant reduction in carbon emissions when compared with the continuation of the use of the site without renovation. When accounting for lifecycle emissions over a 60 year period, the development is forecast to result in an approximate 65% reduction in CO<sub>2</sub>(e) emissions, accounting for both operational emissions and the carbon impacts of demolition.

The development is sited and designed to minimise life cycle greenhouse gas emissions, aspiring to net-zero operational emissions (this will require further assessment as part of the building warrant process), and will involve the retrofitting and sustainable reuse of large parts of the on site heritage assets in line with the waste hierarchy, as well as bringing significant proportions of the currently vacant upper floors of 104 to 106 Princes Street back into productive use. A condition is added concerning recycling of demolition materials.

The proposal complies with NPF4 policies 1, 2, 3, 12a, 12b, 12c, 27a, 27b, 28a and 30b.

### Heritage

#### *Listed Buildings & Conservation Area*

The proposal will have an acceptable impact on the two category B listed buildings at 104-105 Princes Street and 106 Princes Street, preserving where possible the parts of the buildings important to their heritage value and enabling their restoration and reuse. That the facades of 104 - 105 Princes Street and 106 Princes Street to Princes Street and the gable end wall to Rose Street Lane South of 104-105 Princes Street are to be retained is of considerable value. The reintroduction of the courtyard to the rear of 104-105 Prince Street represents conservation gain, revealing the rear wall of the listed building. The increased massing to the rear of the buildings and the height of 107-108 Princes Street however will obscure much of the surviving rear elevation of the frontage blocks of 104 - 105 Princes Street and 106 Princes Street, and reduces the existing distinction between the frontage buildings and their rears.

NPF4 Policy 7 c) supports proposals for the alteration or extension of a listed building, or works that impact on its setting, where its character, special architectural or historic interest are not adversely affected. NPF4 Policy 7 d) supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting. NPF4 Policy 7 f) and g) place constraints on the demolition of buildings in conservation areas which make a positive contribution to the conservation area's character. 107-108 Princes Street is not considered to make a positive contribution to the New Town Conservation Area's Character and (as assessed elsewhere in the report) an acceptable design, layout and materials are proposed for the replacement development.

An assessment of the impact of the proposal on the special architectural or historic interest of the listed buildings is made in section a). The proposals comply with NPF4 Policies 7c, 7d, 7f and 7g.

### *World Heritage Site*

The proposal will result in a minor degree of impact to the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. Primarily, the increase in height and rear massing of 107-108 Princes Street, the increase in massing to the rear of 106 Princes Street, and the increase in massing to the rear of 104-105 Princes Street result in a change to the distinct hierarchy of the streets within the New Town, and the balance of heights of the buildings along Princes Street.

However, the extent of impact is considered comparatively minor and overall acceptable, as in the context of the wider townscape, other modern interventions in proximity to the site, and the heritage gain that can be attained from the scheme, the impact of the disruption to views that contribute to the World Heritage Site is considered to be low. A similar view is taken by Historic Environment Scotland who, "do not consider that the proposed impact on the OUV is significant enough to object", though they outline a number of reservations. Conversely, Edinburgh World Heritage view the impact to the OUV of the World Heritage Site more strongly, as "harmful", however they do not object to the proposals.

The proposal complies with NPF4 policy 7l).

### Archaeology

The proposals involve the demolition of 107-108 Princes Street and renovations and retrofitting of 104-05 and 106 Princes Street, each partially representative of the varied development history of Princes Street. Such proposals are therefore regarded as having a significant archaeological impact in terms of loss of fabric and character in respect of these buildings. In order to successfully mitigate the archaeological impact of the proposed works and thereby ensure their acceptability with regard to the development plan, a condition has been attached to this consent.

The proposal complies with NPF4 policy 7o subject to conditions.

## Design

The design of the development is of a high quality, drawing upon the positive characteristics of the surrounding area and on site heritage assets to contribute to the sense of place in the surrounding area. The proposal has been assessed against the impact it will have on its surroundings, and the application is, on balance, viewed as preserving the character of the wider townscape and as consistent with the six qualities of successful places. The height, massing, scale and proposed materials are of a similar character and urban grain to the surrounding buildings and are consequently appropriate in this location and in compliance with the relevant sections of the Edinburgh Design Guidance.

The proposal at 107-108 Princes Street matches with the scale and height of 104-105 Princes Street, referencing the design of the facades at 104-105 Princes Street, 106 Princes Street and of 109 Princes Street (the Liberal Club), whilst making use of suitable materials, blonde sandstone, in this highly sensitive location. A condition has been attached to the consent requiring that details of the materials to be used are approved by the planning authority before works commence on site. Although adopting a modern design aesthetic, the proposed shopfront at 107-108 Princes Street fits harmoniously with the building and with other shopfronts along Princes Street, taking inspiration in its design from the original shopfronts present prior to the installation of the more modern current shopfronts.

The shopfront at 104-105 Princes Street is to be a recreation of the originally intended shopfront based on historic drawings. The shopfront at 106 Princes Street is to be a traditional interpretation of Victorian shopfronts common in the New Town. On balance this is considered to be an appropriate approach, as little of the historic fabric of the original shop fronts remain due to the substantial alterations made over time, and the proposed shopfronts will relate well to the historic buildings they form part of and to the wider area.

The proposal complies with LDP policies Des 1, Des 4, Des 11, Des 13 and NPF4 policies 14a, 14b and 14c.

## Amenity

### *Daylight*

Whilst the development will result in a reduction in the amount of daylight that the windows of several neighbouring residential properties receive, the applicant has been able to demonstrate that where the new buildings rise above a 25° line drawn in section from the horizontal at the mid-point of the existing windows, a Vertical Sky Component (VSC) of greater than 0.8 of the window's former value is maintained.

This is with one exception, as window 28 (as numbered in the daylighting assessment) will be impacted by the proposed development such that the window's VSC is reduced to less than 0.8 of the window's former value. However, given that the window has an existing VSC of 10.67, significantly below what is considered adequate for living spaces by the Edinburgh Design Guidance; the comparatively low nominal fall in the VSC that will result from the proposed development; and the dense townscape of the area, the impact to the window is considered to be a minor and overall acceptable infringement of the Edinburgh Design Guidance.

### *Noise, air quality, water quality and odour*

The Air Quality Impact Assessment and Surface Water Management Plan provided demonstrate that impacts on local air and water quality and noise are acceptable. A condition has been attached to account for any potential land contamination that may have resulted from the former uses of the land. Concerns regarding noise and odour resulting from the both the primary hotel use and the associated ancillary bar and restaurant facilities remain however, and as such a condition has been attached in order to ensure the application's compliance with the development plan.

The proposal complies with policy Des 5 subject to conditions.

### Biodiversity

Preliminary bird and bat roosting assessments have been submitted. They identify the site as having a moderate potential for bat roosting and the potential for bird nesting. The reports in question recommend a number of mitigation measures are taken to account for this, which have been required to be undertaken by a condition in order to ensure that the development will not have an adverse impact on protected species.

The proposal complies with NPF4 Policy 4f subject to conditions.

### Flooding

The applicant has demonstrated in their surface water management plan that the development will not result in an increased risk of flooding. However as the development proposes surface water be discharged to the combined network it is necessary for it to be confirmed that there is adequate sewerage available to account for this. An informative has been attached requiring the applicant submit confirmation that the proposed surface water discharge rate to the combined network is acceptable to Scottish Water.

The proposal complies with LDP policy Env 21 and subject to conditions LDP policy RS 6, and NPF4 Policy 22c.

### Transport

The development is to be located on a suitable site in the city centre for significant travel demand generation and is in line with the sustainable travel and investment hierarchies. No car parking is proposed which is appropriate in this urban location as the site is well-served by sustainable transport modes and no barriers to access are created for disabled people.

Cycle parking totalling 41 spaces is proposed, however it is unclear from the documentation provided the exact type, location and design of the parking. Consequently a condition has been attached requiring the proposed cycle parking to conform with the requirements of the Edinburgh Design Guidance, in order to ensure compliance with the Development Plan and non-statutory guidance, including the Cycling Parking Factsheet.

A Travel Plan is proposed as part of the Transport Assessment and an informative has been attached to the consent noting that this should include a high quality map of the neighbourhood for staff and guests that shows walking cycling and public transport routes as well as and timetables for local public transport routes.

The applicant is required to contribute the net sum of £310,544 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum will be indexed as appropriate and the use period will be 10 years from date of payment. A suitable legal agreement is required to secure this contribution.

The proposal comply with policy Tra 1, Tra 2 and Tra 3 subject to conditions.

### **Conclusion in relation to the Development Plan**

The proposals will have due regard for the global climate and nature crisis, will preserve the preserve the special architectural and historic interest of the listed buildings, the character and appearance of the conservation area and the outstanding universal value of the world heritage site. The proposals are acceptable in principle and are of an acceptable design. The proposals do not result in an unacceptable impact to neighbouring amenity, flooding, biodiversity, archaeology and do not raise concerns regarding transportation. Therefore, the proposals comply with the overall objectives of the Development Plan.

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

The following material planning considerations have been identified:

##### Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little 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 total of eleven representations were received. A summary is provided below:

### *material considerations*

- Amenity impacts to neighbouring residents (daylighting). Addressed in Section C.
- Amenity impacts to neighbouring residents (sunlighting). No unreasonable reduction in the amount of sunlight reaching neighbouring amenity space is identified.
- Amenity impacts to neighbouring residents (noise). Addressed in Section C.
- Amenity impacts to neighbouring residents (privacy). Addressed in Section C.
- Amenity impacts to neighbouring residents (outlook). Private views are not protected.
- Impact to road safety on Rose Street South Lane. No road safety impacts have been identified.
- Concentration of hotels in the area. Addressed in Section C.
- The increase in the number of hotel guests will result in additional littering. Suitable refuse and recycling facilities are to be provided on site.
- Impact on the World Heritage Site. Addressed in Section C.
- Impact on listed buildings . Addressed in Section A and C.
- Impact on the New Town Conservation Area . Addressed in Section B and C.
- Impact on buildings of heritage value. Addressed in Section C.
- The height of the proposed buildings. Addressed in Section C.
- The design of the proposal is not of sufficient quality. Addressed in Section C.
- The design of the facade at 107-108 Princes Street. Addressed in Section C.
- Impact to local services from the proposed hotel use. Addressed in Section C.
- Rose Street South Lane is unsuitable for the servicing of the proposed building. Addressed in Section C.
- Impact to local sewerage. Addressed in Section C.
- The proposed design of the rear elevation is aesthetically unpleasant. Addressed in Section C.
- Impact to roosting bats and nesting birds. Addressed in Section C.
- It would be more sustainable to reduce the extent of demolition as this would retain more embodied carbon. Addressed in Section C.
- Impact to local air quality. Addressed in Section C.
- The need for a construction management plan. A construction management plan is not considered appropriate in this circumstance.

### *non-material considerations*

- The amenity impacts of construction works.
- Damage to buildings in proximity to the site from construction works.
- Impact to traffic flow from construction works.
- The local area already has sufficient hotels.
- Other proposed uses for the site.
- Rises in Council Tax.
- The overshadowing of neighbouring listed buildings will impact their good maintenance.
- The ownership of the land.
- A newspaper advertisement of the application is required.
- The motivations of the applicant and investors.
- Potential impacts to the feasibility of construction works on adjacent land.

- Fire safety during construction works.
- The need for engagement between the applicant and adjacent land owners during construction works.

### **Conclusion in relation to identified material considerations**

The proposals do not raise any issues in relation to other material considerations identified.

### **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 the character and appearance of the Conservation Area.

The proposals will have due regard for the global climate and nature crisis, will preserve the special architectural and historic interest of the listed buildings, the character and appearance of the conservation area and the outstanding universal value of the World Heritage Site. The proposals are acceptable in principle and are of an acceptable design. The proposals do not result in an unacceptable impact to neighbouring amenity, flooding, biodiversity, and archaeology, and do not raise concerns regarding transportation. Therefore, the proposals comply with the overall objectives of the Development Plan. No other material considerations identified outweigh this conclusion. It is therefore recommended that the application is granted.

## **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.
2. Prior to commencement of works, details or evidence/analysis of the condition of the rear stone facade of 104-105 Princes Street shall be submitted to and approved by the Council, as planning authority.
3. No demolition/alterations/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, interpretation, conservation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.



5. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
6. The noise from the proposed mechanical ventilation and mechanical services plant shall meet the maximum output levels as detailed in Tables 4.3, 4.4 and 4.5 of the submitted Sharps Redmore Noise Impact Assessment (Project 2120918, R1a dated 14-08-2023).
7. If works are carried out on site during the breeding bird period (March to September inclusive), prior to their commencement a pre-works nesting bird check and a toolbox talk for on site workers covering the ecological requirements of the site will be undertaken.
8. Prior to the commencement of construction works on site the applicant should submit to the planning authority confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network.
9. Notwithstanding previous drawings provided, 35 cycle parking spaces for the hotel and 6 cycle parking spaces for the proposed retail unit shall be provided, complying in type and design with the standards described in the Edinburgh Design Guidance and implemented upon occupation of the development hereby approved.
10. Details of a strategy for re-use of demolition materials on the site, as part of a pre-demolition audit, shall be submitted to and approved by the Council, as planning authority, before development commences and the recycling of demolition materials shall be carried out in accordance with the aforesaid strategy.

## **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of the listed building.
3. In order to safeguard the interests of archaeological heritage.
4. In order to enable the planning authority to consider this/these matter/s in detail.

5. In order to ensure the site is made safe for the proposed use.
6. In order to protect residential amenity.
7. In order to comply with NPF4 policy 4f with respect to protected species.
8. In order to ensure compliance with the Development Plan.
9. In order to comply with Local Development Plan Policy Tra 3 in respect of Private Cycle Parking.
10. In order to ensure the satisfactory re-use of brownfield land in accordance with Policy 9 d) of NPF4.

## **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 all of those matters identified in the proposed Heads of Terms.

These matters are:

### Transport

The applicant is required to contribute the net sum of £310,544 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum will be indexed as appropriate and the use period will be 10 years from date of payment.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6-month period, a report will be put to committee with a likely recommendation that the application be refused.

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 proposed travel plan should include a high quality map of the neighbourhood for staff and guests that shows walking cycling and public transport routes as well as and timetables for local public transport routes.

5. The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement.

6. The proposed site is on or adjacent to the operational / proposed Edinburgh Tram. To ensure that work on or near the tramway is carried out safely it is necessary to obtain authorisation to agree a safe system of work. It is a legal obligation to comply with the Authority to Work (AtW) process whilst working on or near the tramway.

7. Prior to the commencement of construction works on site the applicant should submit to the planning authority confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network.

### **Background Reading/External References**

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

### **Further Information - Local Development Plan**

**Date Registered: 6 April 2023**

### **Drawing Numbers/Scheme**

01, 02, 03A, 04-33, 34A-39A, 40-42, 43A, 44-49, 50A-62A63, 64A-70A, 71-73.

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: James Armstrong, Assistant Planning Officer  
E-mail: james.armstrong@edinburgh.gov.uk

## Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: While we welcome the re-design of the roof to the proposed replacement building at Nos. 107-108, the proposals would still have some impact on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. Currently, Nos.104-105 maintains the historical hierarchy of scale between Princes Street and the rear mews lane, but this relationship would be lost under the proposals. The increased height to Nos. 107-108 and the increased height proposed above the rear arcade range would result in adverse impacts on the balance of heights along Princes Street and associated views that contribute to the OUV. We do not consider that the proposed impact on the OUV is significant enough to object, and our advice remains that the impacts of the development across this large site (Nos. 104-108 inc. and Rose Street South Lane) could be reduced by reducing the height and massing of the development in relation to the existing townscape (neighbouring listed buildings) and also to retain more of the important hierarchy of scale between frontage, 'courtyard' area and rear lane. This may involve the removal of levels of accommodation.

DATE: 13 September 2023

NAME: Edinburgh World Heritage

COMMENT: We acknowledge positive heritage elements of the proposed works, notably the enhancement of historic shopfronts at ground level and retention of overall roofscape character to 106 and 104-105. However, we have concerns regarding the following elements of the application. On balanced consideration of the proposal, we consider that the proposals would have a harmful impact on the OUV of the World Heritage Site.

DATE: 5 September 2023

NAME: Archaeology

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 27 April 2023

NAME: Economic Development

COMMENT: It is estimated that the existing space could support 517 FTE jobs and £15.943 million of GVA per annum (2020 prices) if fully occupied. By comparison, it is estimated that the development as proposed could support 395 FTE jobs and £7.183 million of GVA per annum (2020 prices). This represents a net reduction of 122 FTE jobs and £8.760 million of GVA per annum (2020 prices). This reflects the high employment density of high street retail space and the high employment density and GVA per employee of office space. However, it is recognised that the existing buildings are largely empty and that it may be highly challenging for them to be fully occupied in their current form.

DATE: 26 April 2023

NAME: Flooding

COMMENT: No objections subject to appropriate conditions and informatives.

DATE:

NAME: Edinburgh Trams

COMMENT: No objections subject to appropriate informatives.

DATE: 1 May 2023

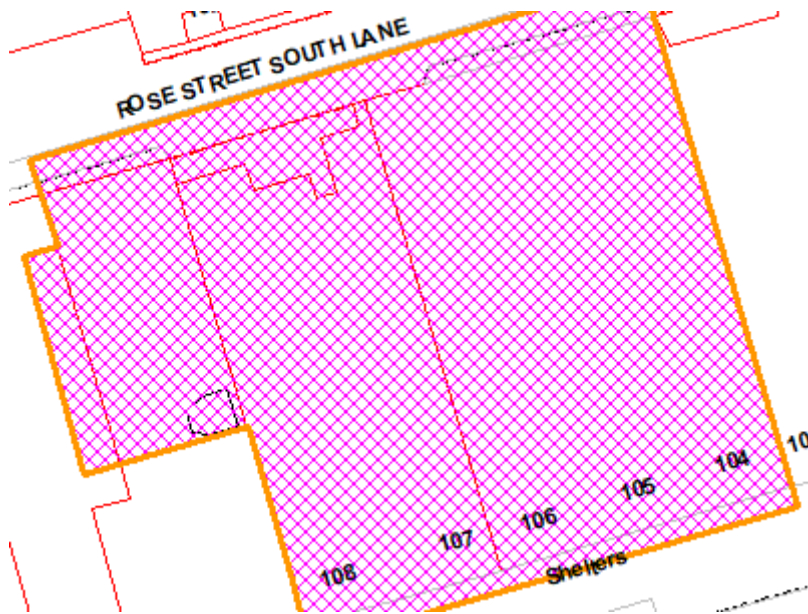
NAME: Transport

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 12 September 2023

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

## Location Plan



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