

Development Management Sub-Committee Report

Wednesday 13 March 2024

**Application for Planning Permission STL
73 - 75 George Street, Edinburgh, EH2 3EE**

Proposal: Change of use of floors 1-3 from office to serviced apartments with external alterations and extensions. As amended.

**Item – Committee Decision
Application Number – 23/03109/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Given the level of public interest in relation to the issue of short term lets, it is considered appropriate that this application be determined 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 setting of any listed building 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 and do not raise concerns regarding transportation subject to the agreement of a suitable legal agreement. 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 0.3 hectares of land on the northern side of George Street and is comprised of a 1970's four storey office building with a recessed top floor. The ground floor is currently in retail use whilst the upper floors are in use as offices. The site is bounded to the north, west and east by other buildings in a mix of both residential and commercial uses.

George Street is of mixed character featuring a number of commercial units as well as residential properties. Public Transport links are highly accessible from the site. The site is located on a busy section of the street. There is a high to moderate degree of activity in the immediate vicinity of the property at any time.

No 71 George Street is a category A listed building (71 George Street and 36 and 38 Frederick Street, Ref: LB30102, Date: 12/12/1974. No 77-79 George Street is a category B listed building (77 and 79 George Street, LB28845, 13/01/1966).

The application property is in the designated City Centre, City Centre Retail Core, New Town Conservation Area and Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

Change of use of floors 1-3 from office to serviced apartments with external alterations and extensions. As amended.

Schedule Two

The proposal was amended to alter the building facade, including the addition of a mansard roof to the fourth floor George Street elevation, and to alter the design of the proposed fifth floor.

Schedule Three

The proposal was amended to alter the front elevation fenestration pattern, mansard roof gradient, the layout and positioning of the proposed fifth floor extension, the shopfront and to include minor internal alterations.

Supporting Information

- Planning Statement
- Revised Design and Access Statement
- Sustainability form S1
- Surface Water Management Plan

Relevant Site History

22/04015/LBC
71 George Street
Edinburgh
EH2 3EE

Listed building consent for minor roof top alterations with adjusted surface materials, extended access skylight and glazed balustrade.

Granted

7 November 2022

22/04026/FUL

71 George Street

Edinburgh

EH2 3EE

Erection of adjusted access skylight, glass balustrade and new roof surface material.

Granted

7 November 2022

20/05773/LBC

71 George Street

Edinburgh

EH2 3EE

Alterations to form a separate commercial unit for classes 1, 2 and 3 and upper floors converted to serviced apartments, erection of a roof top extension with external alterations and extraction flue (as amended).

Granted

21 April 2021

20/05757/VARY.

71 George Street

Edinburgh

EH2 3EE

Non-Material Variation application to 20/05757/FUL. Removal of plant-on astragals to proposed windows to west and north elevations.

VARIED

19 May 2023

20/05757/FUL

71 George Street

Edinburgh

EH2 3EE

Mixed use development with change of use to form a separate commercial unit for classes 1, 2 and 3 and upper floors converted to serviced apartments with erection of a roof top extension with external alterations and extraction flue (as amended).

Granted

11 October 2021

23/04927/FULSTL

Flat 1 79 George Street

Edinburgh

EH2 3ES

Retrospective change of use of flat to short term let (sui generis) for 52 weeks in a calendar year.

Refused

21 November 2023

23/04931/FULSTL

Flat 2

79 George Street

New Town

Edinburgh

EH2 3ES

Retrospective change of use of flat to short term let (sui generis) for 52 weeks in a calendar year.

Refused

22 November 2023

23/04934/FULSTL

Flat 4

79 George Street

New Town

Edinburgh

EH2 3ES

Retrospective change of use of flat to short term let (sui generis) for 52 weeks in a calendar year.

Refused

21 November 2023

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Transport

World Heritage Site

Flooding

Historic Environment Scotland

Environmental Protection

Waste

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): 25 August 2023

Site Notices Date(s): 22 August 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) The proposals harm the listed building or 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: Setting

Setting of Listed Buildings

The relationship between the proposals and listed buildings in proximity to the site are of significant importance to the application's acceptability. In particular, the setting of the nearby category A listed no 71 George Street which is in part defined by the prominence of the building at the corner of George Street and Frederick Street.

Following amendments, the proposal is not considered to have a negative impact on no 71 George Street. As HES note in their consultation response, the revised application has introduced a zinc mansard-style roof, resulting on the fourth floor of the building reading as a rooftop element, reducing any potential harmful impacts on the adjacent corner building. Amendments to the original proposals to further set back the fifth floor and reduce the steepness of the proposed mansard roof also help reduce any harmful impact.

Overall, the impact to the setting of nearby buildings has been sufficiently mitigated by the design solutions proposed, and as such no negative impact to the setting of nearby listed buildings is identified.

Conclusion in relation to the listed building

The proposal will preserve the setting of listed buildings it is in proximity to, and the special architectural or historic interest of the listed building. 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 following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment Guidance on Conservation Areas
- Managing Change in the Historic Environment: Setting
- Managing Change in the Historic Environment: World Heritage
- Managing Change in the Historic Environment: Shopfronts and Signs

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.

The proposed external alterations to 73-75 George Street make use of a suitable contemporary design, reflecting the architectural features of buildings that contribute to George 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 George Street elevation, the proposal reinforces the formal plan form of the first New Town, substantially altering a building that whilst representative of its time, utilised a design and materials that do not fit closely with adjacent buildings and was not of benefit to the conservation area. In terms of the rear elevation, the proposals will be of little impact as views of the elevation are limited, and the building has been sensitively designed to fit within the existing context of the wider area.

The predominant impact the proposed development will have been to views along George Street, however overall, the building represents an improvement on the impact of the current building form, creating a gradual increase in height from the B listed townhouses to the building's west, up to the A listed corner building at 71 George Street.

Conclusion in relation to the conservation area

The proposals preserve the character and appearance of the conservation area and are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) 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, and Des 13.
- LDP Environment policy Env 21.
- LDP Transport policies Tra 3 and Tra 4.
- 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 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 Policy 7.

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

Principle of use

The proposal is for a 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 George Street 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 proposal complies with LDP policy Del 2 and NPF4 policies 27a, 27b, 28a, 30b.

Climate Change & Sustainability

The proposals will have a neutral impact on the climate and nature crises. The proposals are sited and designed suitably to minimise lifecycle greenhouse gas emissions, the changes of use proposed are unlikely to result in a significant increase to the operational emissions of the building, and the proposed physical works will be subject to detailed further assessment as part of the building warrant process. A condition has been included concerning the reuse and recycling of materials.

Subject to condition two the proposals comply with NPF4 policies 1, 2, and 12, subject to condition 2.

Heritage

World Heritage Site

Following amendment, the proposal will not result in a negative impact to the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. Edinburgh World Heritage has responded stating that they are of the view that the height of the building may be considered acceptable in this location and their concerns regarding the fenestration pattern and other aspects of the proposed design have been addressed. Whilst juliet balconies are still to be present on the building's facade, on balance their presence is unlikely to be of significant impact as in the context of the wider townscape and other modern interventions in proximity to the site, the impact to the World Heritage Site is considered to be negligible.

The proposal complies with NPF4 policy 7I).

Setting of Listed Buildings

The impact to the setting of nearby buildings has been assessed in section a) above. No negative impact to the setting of the listed buildings was identified. The proposal complies with NPF4 Policy 7c.

Conservation Area

The impact of the proposal on the Conservation Area has been assessed in section b) above. No negative impact was identified. The proposal complies with NPF4 Policy 7d.

Design

The design of the development is of a high quality, drawing upon the positive characteristics of the surrounding area 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 compliant with the relevant sections of the Edinburgh Design Guidance.

The proposal represents an appropriate 'step up' in between the townhouses to the west and the corner building to the east, reflecting the prominence of the corner building, whilst the facade design references other modern buildings in the local area and makes use of suitable materials, ashlar sandstone, for this 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. The proposed shopfront similarly adopts a modern design aesthetic, fitting harmoniously with the building and with other shopfronts along George Street, taking inspiration in its design from the current shopfront and those nearby, though notably making use of higher quality materials more in keeping with the local area.

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

Amenity

The use of the property as an STL would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of its current use as an office. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals working at the property.

However, with regard to the considerations set out in the Guidance for Businesses when assessing change of uses of use to short term lets, the proposal is unlikely to result in a deterioration to the amenity of nearby residences (most notably at no 79 George Street). The noise generated by the 24 STL units proposed is unlikely to be significantly different from currently high level of ambient background noise in the area, which features a number of hotels and other forms of visitor accommodation, as well as late night uses. The additional impact on amenity of the increased servicing that operating the properties as STLs would require is sufficiently mitigated as it is likely that servicing would be conducted during the daytime.

The proposal complies with NPF4 policy 30(e) part (i) and LDP policies Des 5 and Hou 7.

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 6 spaces is proposed, this is in excess of the minimum number required by the Edinburgh Design Guidance. Given the low number of spaces required and the site constraints it was not considered reasonable to require 20% of the spaces to be for non-standard cycles. The cycle parking complies with other applicable aspects of the guidance, however.

The applicant is required to contribute the net sum of £26,784 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 Del 1, Tra 3 and 4 subject to the conclusion of a suitable legal agreement.

Conclusion in relation to the Development Plan

The proposals will have due regard for the global climate and nature crisis, will preserve the setting of the listed buildings it is in proximity to, 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 and flooding 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

One comment in objection was received. A summary is provided below:

material considerations

- The proposal is over development. Assessed in section C.
- Negative impact to listed buildings. Assessed in section C.
- The design of the proposed facade is unacceptable. Assessed in section C.
- Negative impact to the conservation area. Assessed in section B.
- Detrimental impact on the character of the building and surrounding area in terms of the proposals' form, design, and materials. Assessed in section C.

non-material considerations

- None.

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 setting of any listed building 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 and do not raise concerns regarding transportation subject to the agreement of a suitable legal agreement. 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. 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.

Reasons

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

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 £26,784 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. 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.
5. 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.

6. The applicant should note that the proposed development lies on a 'traffic sensitive street' and that this may affect the method and timing of construction, including public utilities - see <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/2>

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 2 August 2023

Drawing Numbers/Scheme

01-11, 12B-26B

Scheme 3

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Planning Officer
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Appendix 1

Summary of Consultation Responses

NAME: Transport

COMMENT: No objections, subject to conditions and informatives.

DATE: 9 February 2024

NAME: World Heritage Site

COMMENT: The proposed amendments have not taken the positive opportunity to notably lower the height of the proposed interventions. We welcome the efforts made to make the proposed roofscape more responsive to local character, and while this could go further it is a notable improvement on the previous proposals. The fenestration pattern (unevenly spaced and varying in proportion) and use of modern Juliette balconies remain disruptive to local character, and we continue to advise these are amended appropriately. On balance, we consider that the proposals have a reduced impact on the OUV of the World

Heritage Site but remain of some harm.

DATE:

NAME: Flooding

COMMENT: No objection. Approval from Scottish Water is needed to confirm that they accept the proposed surface water discharge rate to the combined network.

DATE:

NAME: Historic Environment Scotland

COMMENT: No objections. Mansard results in this storey reading as a roof element which should be less steep, top floor should be set back further.

DATE:

NAME: Environmental Protection

COMMENT: No objections.

DATE:

NAME: Waste

COMMENT: Applicant to provide own waste collection.

DATE:

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

