

Development Management Sub-Committee Report

Wednesday 29 May 2024

**Application for Planning Permission STL
120B Princes Street, Edinburgh, EH2 4AD.**

Proposal: Proposed change of use (second and third floor) from Class 3 food and drink to fourteen serviced apartments (sui generis) to be operated and managed as one business.

**Item – Committee Decision
Application Number – 24/00604/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 complies with 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 or appearance of the conservation area.

The proposed serviced accommodation use is acceptable in this location. The proposal complies with National Planning Framework 4, the Edinburgh Local Development Plan and the relevant non-statutory guidance. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site comprises the second and third floors of 120B Princes Street. These floors are categorised as Class 3 but are currently vacant/used for limited storage purposes associated with the first floor café use directly below. The ground floor use is retail. Access is via a stairwell which fronts Princes Street.

The property is located on Princes Street, the main commercial street of Edinburgh and a busy public transport corridor. The surrounding area is mixed use in character with high levels of pedestrian and vehicle activity in the immediate vicinity of the property during both daytime and night-time hours. A wide variety of commercial uses including shops, cafes, hotels, bars and restaurants are located nearby.

The application property forms part of a Category B listed building - 119, 119a and 120 Princes Street, LB43326, 28/03/1996. The site is located in the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The proposal is for the change of use from a café (Class 3) to 14 serviced apartment (STL) units (Sui Generis). The application is for the change of use only, any physical alterations associated with the change of use will require Listed Building Consent.

The application was originally submitted as a change of use to aparthotel (Class 7). However, it was subsequently agreed to change the description to serviced apartments, with this considered a more accurate description of the proposal. The terms serviced apartment and STL are interchangeable for the purposes of this assessment.

Supporting Information

Supporting Planning Statement

Relevant Site History

00/01858/FUL

120B Princes Street

Edinburgh

EH2 4AD

Alterations for change of use from retail to form coffee shop

Granted

13 December 2000

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 26 March 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 5 April 2024

Site Notices Date(s): 2 April 2024

Number of Contributors: 25

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: Interim Guidance on the principles of listed building consent.
- Managing Change in the Historic Environment: Setting.

Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent sets out the principles for assessing the impact of a development on a listed building.

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

There are no external alterations proposed. The internal changes associated with the change of use will require to be assessed via a listed building consent application.

Conclusion in relation to the listed building

The proposal harms neither the listed building or its setting. It is therefore acceptable with regard to Sections 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 represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves.

There are no external changes proposed. The change of use from a vacant commercial café premises to a STL accommodation will not have any material impact on the character of the conservation area. The change of use would preserve the 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.

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:

- NPF4 Sustainable Places Policies 1, 7, 9.
- NPF4 Productive Places Policies 27, 30.
- LDP Delivering the Strategy Del 2.
- LDP Employment and Economic Development Emp 9.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2, Tra 3.

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 'Guidance for Businesses' (2024) is a material consideration that is relevant when considering change of use applications.

Listed Building, Conservation Area, and World Heritage Site

No external works to the property are proposed. Any internal alterations are to be assessed via a listed building consent application. As discussed in part a) and b) the change of use will not have a significant impact on historic assets or places. The proposal complies with NPF 4 Policy 7.

Sustainability

NPF 4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions, while Policy 9 states development resulting in the sustainable reuse of vacant buildings will be supported. The proposal is for the re-use of an existing building which is currently vacant. The development will have a neutral impact on the global climate and nature crisis. The proposal complies with NPF 4 Policy 1 and 9.

Proposed Use

NPF 4 Policy 27 requires development proposals to enhance and improve the vitality and viability of city centres, while LDP Policy Del 2 supports development which retains and enhances the city centre's character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

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 seeks to protect residential amenity.

The proposed STL accommodation will enhance and improve the vitality and viability of the City Centre, generating increased footfall in the area and contributing to the diverse range of tourist accommodation available in Edinburgh. The site is located close to various tourist attractions and public transport infrastructure. The increased density of activity that will result from the proposal contributes to maximising the potential of the site.

The proposal is for the re-use of vacant/ancillary floorspace and will not inhibit adjacent uses - the existing ground and first floor uses at the site are to be retained. Overall, the development will have positive regeneration impacts and the community impact will be minimal. The proposal complies with NPF 4 Policy 27 and LDP Policy Del 2.

Amenity

The proposed use of the property as a STL would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have limited regard for neighbours' amenity.

However, with regard to the considerations set out in the Guidance for Businesses when assessing change of uses of use to STLs, the proposal is unlikely to result in a deterioration to the amenity of nearby residences. The surrounding area is busy and mixed use in character with limited residential use. A wide variety of commercial uses, including hotels and serviced accommodation, are located nearby. The noise generated by the 14 STL units proposed is unlikely to be significantly different from currently high level of ambient background noise in the area and will not have a detrimental effect on the amenity of any neighbouring properties. The proposal complies with NPF 4 Policy 30(e) part (i) and LDP Policy Hou 7.

Transport

Cycle parking

LDP policy Tra 3 states permission will be granted where proposed cycle parking and storage complies with standards in Council Guidance. Given the proposal is for the change of use of upper floors within an existing building on Princes Street, space for the provision of new cycle parking is limited. Nonetheless, an informative has been attached recommending provision for 2 cycle parking spaces.

Car parking

Policy Tra 2 states permission will be granted for development where car parking provision complies with and does not exceed parking levels set out in council guidance. No car parking is proposed. This is appropriate given the city centre location which is well-served by sustainable transport modes. Various public transport options are available near to the site which will provide convenient, fully accessible transport options for all users.

Tram Contributions

There is no net tram contribution required for this proposed change of use from 715sqm class 3 use to 14 serviced apartments.

Consultation with Transport Planning resulted in no objections. The proposal complies with LDP policy Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal complies with the relevant LDP and NPF 4 policies. The STL use is acceptable in this city centre location.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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 25 representations (all supporting comments) were received in relation to this application. A summary of the representations is provided below:

material considerations

- The proposed use will benefit local businesses, the wider tourism economy in Edinburgh and increase footfall to the city centre. Addressed in part c).
- The site represents an appropriate location for tourist accommodation development close to public transport infrastructure. Addressed in part c).
- The change of use will bring a vacant unit back into use and will increase the building's energy efficiency. Addressed in part c).

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 complies with 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 or appearance of the conservation area.

The proposal complies with National Planning Framework 4, the Edinburgh Local Development Plan and the relevant non-statutory guidance. There are no material considerations that outweigh this conclusion.

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. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.
2. The applicant should consider developing a Travel Plan including provision of a Welcome Pack, with a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.
3. The applicant should consider the provision of 2 cycle parking spaces to be incorporated as part of the development.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 19 March 2024

Drawing Numbers/Scheme

01 -10

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

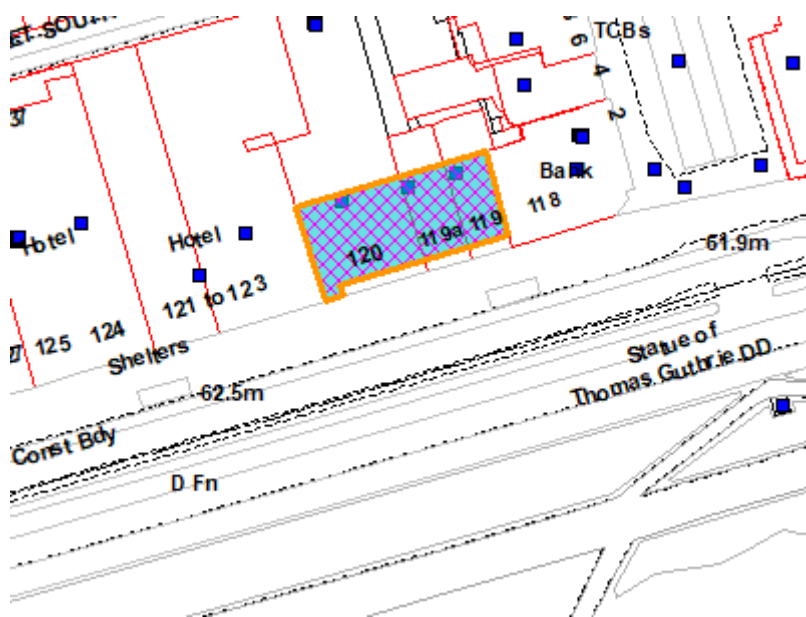
Contact: Sean Christie, Assistant Planning Officer
E-mail: sean.christie@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Transport Planning
COMMENT: No objections.
DATE: 8 May 2024

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

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420