

Development Management Sub-Committee Report

Wednesday 21 August 2024

**Application for Planning Permission STL
28 North Bridge, Edinburgh, EH1 1QG.**

**Proposal: Retrospective change of use to 24 serviced apartments
(Sui Generis).**

**Item – Committee Decision
Application Number – 23/04235/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 complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

Whilst the change of use to STL is acceptable with regards to residential amenity, heritage and transport matters, the applicant has not demonstrated local economic benefits that would outweigh the loss of the flatted dwelling, and as such the proposal does not comply with NPF4 Policy 30(e)(ii). However, in this instance, the proposals are acceptable given the mixed-use nature of the building and busy city centre location. Whilst the proposal does not comply specifically with part (ii), overall and on balance, the proposal accords with the provisions of the development plan. It is therefore recommended that the proposal be granted.

SECTION A – Application Background

Site Description

The application site refers to a four story building with a large roof facing onto North Bridge and a three storey building with a large roof facing onto Fleshmarket Close. The buildings are connected by a hallway at first floor level and other structures at ground and first floor level, however these other structures fall out with the application site. Access to the application site is only possible from North Bridge.

The planning history of the site is complex, with different parts of the building alternating between a mix of different uses over time, including offices, a beauty salon, a language school and flatted dwellings. The building is currently in use as a sui-generis aparthotel, prior to this it was in use as offices, with an individual flatted dwelling at first floor level.

North Bridge is of mixed character, featuring numerous commercial uses, including visitor accommodation, as well as residential properties. The nearby commercial uses and the high quantity of passing foot and vehicular traffic result in a high degree of activity in the immediate vicinity of the property at any time, contributing to high ambient noise levels in the street during the day and at night. Public Transport links are highly accessible from the site.

The application property is part of a category A listed building, 20-52 (even nos) North Bridge including Scotsman Hotel, Scotsman steps, arcade Royal Mile Mansions, 175 and 177 High Street and 65-71 (odd nos) Cockburn Street. LB30143, 19/12/2002.

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

Description of the Proposal

The application is for the change of use of the application site to short term let (sui generis) (STL) from office and one flatted dwelling. No internal or external physical changes are proposed. For the avoidance of doubt, the current aparthotel use is unauthorised. However, the proposal is not retrospective as the proposal is for short term let use.

Supporting Information

Planning Statement

Relevant Site History

18/10457/FUL

1F1

28 North Bridge

Edinburgh

EH1 1QG

Alterations to form 3 residential flats (sui generis) from one residential flat (sui generis).

Granted

21 February 2019

15/04304/FUL
1F10-1F50, 2F10-2F40
28 North Bridge
Edinburgh
EH1 1QG
Change of use from commercial offices including internal alterations to form 5No.
individual residential units.
Granted
22 December 2015

14/02884/FUL
2F10, 2F20, 2F30, 2F40
28 North Bridge
Edinburgh
EH1 1QG
Change of use and conversion of private commercial office to residential units.
Granted
3 September 2014

13/00075/FUL
3F, 4F, 5F
28 North Bridge
Edinburgh
EH1 1QG
Conversion of disused commercial office space to residential apartments and studios.
Granted
15 March 2013

18/10458/LBC
1F1 28 North Bridge
Edinburgh
EH1 1QG
Internal alterations to facilitate the sub-division to form three flats from one flat.
Granted
21 February 2019

18/02183/LBC
28 (1F) North Bridge
Edinburgh
Internal alterations to form 5 letting apartments form residential flat.
Granted
14 August 2018

15/04301/LBC
1F10-1F50, 2F10-2F40
28 North Bridge
Edinburgh
EH1 1QG
Change of use from commercial offices and internal alterations to create 5No.
residential units within part of an existing building.

Granted
22 December 2015

14/02884/LBC
2F10, 2f20, 2f30, 2f40
28 North Bridge
Edinburgh
EH1 1QG
Conversion of private commercial office to residential units.
Granted
18 August 2014

13/00076/LBC
3F
28 North Bridge
Edinburgh
EH1 1QG
Minor alterations to the internal layout of a single floor within a listed building.
Granted
20 February 2013

12/02891/LBC
4F, 5F
28 North Bridge
Edinburgh
EH1 1QG
Convert the upper two floors, (4 and 5) into 6 residential units from their existing use as commercial offices (as amended).
Granted
11 October 2012

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 26 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 6 October 2023

Site Notices Date(s): 3 October 2023

Number of Contributors: 2

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 buildings
- 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 or internal alterations proposed. As such, the proposal will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

The proposal does not harm the character of the listed building, or its setting. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

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

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

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

As stated previously, there are no external changes proposed. Therefore, the impact on the character and appearance of the conservation area is acceptable.

Conclusion in relation to the conservation area

The proposals comply with 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 NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF4 Policy 7.

The non-statutory Guidance for Business (2024) is a material consideration when considering LDP Policy Hou 7, the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Listed Buildings, Conservation Area and World Heritage Site

The impact on the listed building, on setting of the listed building and on the setting of neighbouring listed buildings has been assessed in section a) above, which concluded that this would be preserved.

The impact on the conservation area has been assessed in section b) above, which concluded that this would be preserved.

There are no external or internal works proposed and as such there will not be a significant impact on historic assets and places, including the Old and New Towns of Edinburgh World Heritage Site.

The proposal complies with NPF4 Policy 7.

Proposed Use

With regards to NPF4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

NPF4 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 relate to STL proposals.

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

The non-statutory Guidance for Businesses (2024) states that an assessment of a change of use of dwellings to a short term let will have regard to:

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

Amenity

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 negative amenity impact to people living in nearby residences. The property is located in a busy, mixed use area with a high proportion of commercial uses in operation throughout the day into the night time. The noise generated by the 24 STL units proposed is unlikely to be significantly different from currently high level of ambient background noise.

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

Loss of residential accommodation

NPF4 policy 30 (e) part (ii) requires that where there is a loss of residential accommodation, this will only be supported where the loss is outweighed by demonstrable local economic benefits.

The proposed change of use will result in the loss of a single flatted dwelling.

Whilst planning permissions were granted for changes of use of areas of the building used as offices to residential, (refs: 18/10457/FUL, 15/04304/FUL, 14/02884/FUL, 13/00075/FUL), and works have been carried out in line with these and other associated consents (ref: 18/10458/LBC, 18/02183/LBC, 15/04301/LBC, 14/02884/LBC, 13/00076/LBC, 12/02891/LBC) the residential use consented in these areas was never instituted. Instead, the properties passed directly into either aparthotel or STL use after the necessary works were completed, most recently being used as aparthotels. The parts of the building historically in use as residences similarly passed into either STL or aparthotel use following the necessary works being completed, and are currently used as aparthotels. This current application seeks to regularise the change of use of the building, requesting STL use.

The applicant has provided information as to the economic impacts of the proposals, comparing the use of the whole building as residential with the use of the whole building as short term lets. This does not specifically address the change of use that is proposed, as the building is instead proposed to change in use from offices and one residential unit to Short Term Lets.

Notwithstanding the above, the proposals do not specifically detail whether there is a demonstrable economic benefit which outweighs the loss of this one residential unit and therefore does not comply with NPF4 policy 30(e) part (ii).

However, in this instance the non-compliance is acceptable given the mixed-use nature of the building internally and the busy city centre location.

Transport

No cycle parking is proposed. The Edinburgh Design Guidance requires three spaces be provided, however this is considered to be a limited and acceptable infringement of the guidance given the heritage constraints of the site. Though there would be sufficient space available to install cycle parking at the first floor without making unacceptable impacts to the listed building, these levels are only accessible via a set of stairs, or via a lift that is too small to adequately accommodate people carrying cycles. At the ground floor level, it is considered that there is no way to accommodate the necessary cycle parking without significant heritage impacts.

The proposal complies with policy Tra 3 and 4 subject to the conclusion of a suitable legal agreement.

Conclusion in relation to the Development Plan

Whilst the change of use to STL is acceptable with regards to residential amenity, heritage and transport matters, the applicant has not demonstrated local economic benefits that would outweigh the loss of the flatted dwelling, and as such the proposal does not comply with NPF4 Policy 30(e)(ii). However, in this instance, the proposals are acceptable given the mixed-use nature of the building and busy city centre location. The proposal accords with the provisions 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 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. On 27 June 2024 the Council accepted the recommendations and modifications required to the Proposed City Plan 2030. The Proposed City Plan 2030 has now been submitted to Scottish Ministers for their final consideration. 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 adoption of the plan.

Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to Planning Committee on 14 June 2023. The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only limited weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

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

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

Public representations

A petition in support of the application with 28 signatories was received. One comment in objection was received. A summary of the contents of the petition and comment is provided below:

material considerations in support

- Short Term Lets benefit the tourism industry, the local economy and provide employment. Assessed in section d).
- North Bridge is a noisy commercial area featuring a range of commercial uses. Assessed in section c).
- The proposal will not impact neighbouring amenity. Assessed in section c).

material considerations in objection

- Results in a loss of residential accommodation. Addressed in section c).

non-material considerations

- The proposed use will support the continued maintenance of a listed building. Obligations regarding the maintenance of the listed building are not altered by the proposed STL use.
- Serviced apartments provide good quality accommodation.

Conclusion in relation to identified material considerations

The identified material considerations have been assessed above and they raise issues which outweigh the conclusion in relation to the development plan with respect to economic benefits.

Overall conclusion

The proposal complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

Whilst the change of use to STL is acceptable with regards to residential amenity, heritage and transport matters, the applicant has not demonstrated local economic benefits that would outweigh the loss of the flatted dwelling, and as such the proposal does not comply with NPF4 Policy 30(e)(ii). However, in this instance, the proposals are acceptable given the mixed-use nature of the building and busy city centre location. Whilst the proposal does not comply specifically with part (ii), overall and on balance, the proposal accords with the provisions of the development plan. It is therefore recommended that the proposal be 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.

Reasons:-

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

Informatives

It should be noted that:

1. 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.
2. 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.
3. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 7 September 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Transport

COMMENT: Acceptable subject to the provision of three cycle parking spaces, and informative specified.

DATE: 1 August 2024

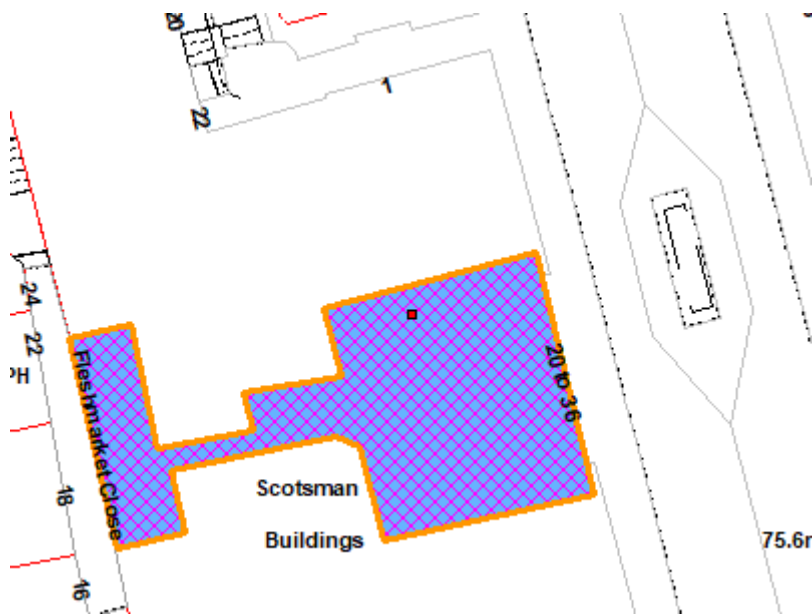
NAME: Historic Environment Scotland

COMMENT: No comments or objections.

DATE: 9 October 2023

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

Location Plan



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