

# Development Management Sub Committee

Wednesday 6 February 2019

## Application for Planning Permission 18/04731/FUL

At 122 - 123 Princes Street, Edinburgh, EH2 4AD

The redevelopment of existing retail unit to form additional hotel rooms and restaurant at ground floor. The proposal also seeks a change of use from Class 1(Retail) to Class 3 (Food and Drink) and Class 7 (Hotel).

Item number	4.5(a)
Report number	
Wards	B11 - City Centre

### Summary

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The proposal will result in the loss of retail floor space which would not preserve and enhance the City Centre's vitality and viability and would undermine the retailing function of the centre. The proposal is contrary to Local Development Plan Policy Ret 9 and Policy ERC 1 of the Supplementary Guidance City Centre Retail Core.

It is recommended that planning permission is refused. There are no material considerations that outweigh this conclusion.

### Links

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<a href="#">Policies and guidance for this application</a>	LDPP, LDES02, LRET09, LEMP10, LEN01, LEN03, LEN04, LEN06, LDES01, LDES12, SGCCRC,
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# Report

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The redevelopment of existing retail unit to form additional  
hotel rooms and restaurant at ground floor. The proposal  
also seeks a change of use from Class 1(Retail) to Class 3  
(Food and Drink) and Class 7 (Hotel).**

## Recommendations

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1.1 It is recommended that this application be Refused for the reasons below.

## Background

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### 2.1 Site description

The application site comprises nos 122-123 Princes Street with the buildings running through from Princes Street to Rose Street Lane South. The surrounding buildings are in commercial use.

122 Princes Street comprises a six storey modern building which is operating as the Premier Inn hotel.

123 Princes Street is a Category 'B' listed building (listed on 20.02.1985 L.B ref 29513) dating from the late 18th century and forms part of James Craig's original New Town Plan. It is a 4-storey and attic building and the facade was remodelled and heightened by W Hamilton Beattie, 1873.

The buildings are located within Block 2 of the Princes Street Development Briefs, which is located between South Charlotte Street and Castle Street. All of the buildings are located within World Heritage Site.

This application site is located within the New Town Conservation Area.

### 2.2 Site History

There is a lengthy planning history for the property but the most relevant history is as follows:

May 2009 - Planning permission granted for Retail and hotel development, including alterations to 123 Princes Street, substantial demolition of 121 - 122 Princes Street, and demolition of 129 and 131 - 133 Rose St Lane South (as amended) (application number 08/03230/FUL).

June 2009 - Listed building consent granted for retail and hotel development, including alterations to 123 Princes Street, substantial demolition of 121 - 122 Princes Street, and demolition of 129 and 131 - 133 Rose St Lane South (as amended) (application number 08/03230/LBC).

August 2018 - listed building consent currently pending consideration for the redevelopment of existing retail unit to form additional hotel rooms and restaurant at ground floor. The proposal also seeks a change of use from Class 1(Retail) to Class 3 (Food and Drink) and Class 7 (Hotel) (application number 18/04732/LBC).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposal is for a change of use of the existing retail unit at ground, first floor and basement levels and alteration to the second floor (hotel).

#### Ground Floor

A new 387 square metre restaurant (Class 3) is proposed and a new separate hotel reception with associated back of house facilities to the rear. Both these facilities will be accessed from the existing entrances onto Princes Street.

#### First Floor

19 new bedrooms are to be created and a new external courtyard.

#### Second Floor

12 new bedrooms are to be created.

#### Basement

28 new bedrooms are to be created.

On the east elevation of the building five new grey aluminium windows are proposed. At the ground floor level within the building the existing escalator will be removed and the roof of the rear extension lowered to form an open courtyard. Additional windows and doors will be formed and the external walls will be rendered to match the existing.

#### Supporting Statement

The following documents are available on the Planning and Building Standards On-Line Services:

- Planning Statement.

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The principle of development is acceptable;
- b) The impacts on the listed buildings are acceptable;
- c) The design, impact on the conservation area and Edinburgh World Heritage Site are acceptable;
- d) The impact on neighbouring amenities is acceptable;
- e) The impact on transport and road safety is acceptable;
- f) Impacts on equalities and rights are acceptable; and
- g) Representations have been considered.

#### a) Principle

The site is located within the Core Shopping Frontage and the City Centre Retail Core, as set out in Appendix B of the Edinburgh Local Development Plan (LDP).

Policy Ret 9 of the LDP supports changes of use of shop units in the City Centre retail core provided they don't undermine the retail function of the centre. Detailed criteria is set out in the adopted supplementary guidance. The underlying aim is to tailor the approach to suit the different parts of the city. The role of the supplementary guidance is to assess the relative strengths, weaknesses, vitality and viability of each centre.

As set out in paragraph 259, the LDP aims to protect the important retail function of defined centres whilst recognising the benefits of a wide range of complementary services, leisure and community uses. This states that the policy applies to "ground floor units only or basement/first floor units that are accessed from the pavement". Paragraph 260 provides further advice on the city centre retail core stating that a "high quality retail offer is a key aspect of sustaining and enhancing the city centre and policies are required to ensure that shopping continues to be the predominant use."

The supplementary guidance for the City Centre Retail Core is adopted and forms part of the statutory local development plan. It recognises that a variety of shops is critical to the health of the city centre. However, it also states that there are benefits of allowing shops to change to other uses that preserve and enhance the City Centre's vitality and viability. In certain circumstances changes of use on Princes Street from shops to café/restaurant use would enhance pedestrian spaces on the City Centre Core Frontage. Detailed policy is provided under ERC 1. It permits changes of use to Class 3, but only in locations that can safely accommodate outdoor pavement seating, and the change of use applies to a shop unit floor area of under 500 sq metres.

Although the proposed restaurant only has a gross floorspace of 387sq metres the existing retail unit is a modern floorspace with a gross floor area of 2540 sq metres which would be lost in its entirety when combined with the hotel floorspace. The loss of this retail floor space would not preserve and enhance the City Centre's vitality and viability and would undermine the retailing function of the centre.

The proposal would be contrary to the aims of the Supplementary Guidance and Policy ERC 1, and in turn the LDP policy Ret9 and there are no material planning considerations that outweigh this conclusion.

#### b) Impact on Listed Building

Policy Env 4 of the LDP states that alterations or extensions of a listed building are permitted where they will not cause any unnecessary damage to historic structure or diminish its interest.

The external alterations to the east elevation proposed is only visible from the rear of Rose Street South Lane and forms part of the modern development comprising the existing hotel use. The alterations to the south and north courtyard is not visible from any public viewpoint and is located at a lower level. The alterations are acceptable and will not adversely impact on the setting of the listed building or its character.

The proposal complies with LDP policies Env 3 (Listed Buildings - Setting) and Env 4 (Listed Buildings - Alterations and Extensions).

Other impacts from the proposals are assessed from the parallel application 18/04732/LBC.

c) Impact on Conservation Area and Edinburgh World Heritage Site

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The proposed development is minor, is not publicly visible and there will not be any adverse impacts on character and appearance the New Town Conservation Area or the Old and New Towns of Edinburgh World Heritage Site.

The proposal complies with LDP policies Env 1 (The World Heritage Site) and Env 6 (Conservation Areas - Development).

d) Impact on Amenity

Policy Des 5 states that development will not be permitted where the amenity of neighbouring development is not adversely affected.

There are residential properties located to the east and west of Rose Street South Lane. The proposal includes additional plant located within a plant room at the first floor level. Given there are established commercial uses along this lane with existing plant and machinery it is not considered that the residential amenity will be further affected by the additional plant.

The proposal does not raise any concern with regard to its impact on neighbouring amenity and complies with Des 5.

e) Roads Authority

No parking provision is provided on site. Given the location within the city centre and within Zone 1 the proposal complies with the Council's 2017 parking Standards which allows for zero parking.

Transport identified the tram contribution of the proposed additional 59 bed hotel as £180,632 and the existing retail use as £234,447. The impact of the new development is less than the existing use and therefore no net tram contribution is required.

f) Equalities and Human Rights

This application was assessed in terms of equalities and human rights and will have no adverse impact.

g) Representations

**Material Representations - Objection**

- loss of retail - assessed in section 3.3 (a).
- not a suitable location for hotel 3.3 (b).

## **Non-Material Representations**

A number of objections did not give any written reasons for their objections.

## **Community Council**

No comments have been received.

## Conclusion

The proposal will result in the loss of retail floor space which would not preserve and enhance the City Centre's vitality and viability and would undermine the retailing function of the centre. The proposal is contrary to the Local Development Plan Policy Ret 9 and Policy ERC 1 of the Supplementary Guidance City Centre Retail Core.

It is recommended that this application be Refused for the reasons below.

## **3.4 Conditions/reasons/informatives**

### **Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Ret 9 in respect of, Alternative Use of Shop Units - Elsewhere in defined centres and Policy ERC 1 of the Supplementary Guidance City Centre Retail Core, as the proposal will result in the loss of a shop unit of more than 500 sq metres which would undermine the retailing function of the centre.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on the 7 September and a total of 36 letters of representation has been received. Seventeen of these were material planning objections and nineteen of these made no comment and are non-material in the determination of this application.

A full assessment of the representations can be found in the main report in the Assessment section.

## **Background reading/external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development****Plan Provision**

The application property is located in the City Centre and City Centre Retail Core within the Local Development Plan.

**Date registered**

28 August 2018

**Drawing numbers/Scheme**

01-27,

Scheme 1

David R. Leslie  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

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**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Ret 9 (Alternative Use of Shop Units in Defined Centres) protects the City Centre Retail Core and Town Centres from development which would undermine their retailing function, and specifies that detailed criteria for change of use will be set out in supplementary guidance. It provides criteria for assessing the change of use of a shop unit to a non shop unit in local centres.

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

The City Centre Retail Core Supplementary Guidance sets criteria for assessing change of a shop unit to a non-shop use on Core Frontages, Primary Frontages and elsewhere.

# Appendix 1

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## **Consultations**

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### Roads Authority

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. No net tram contribution (see Note b).*
- 2. A monitor capable of receiving an internet connection to display Public Transport Real Time information should be displayed in the reception area of the hotel (Reason to advise patrons of public transport);*
- 3. The Council's 2017 Parking Standards requires the applicant to provide a minimum of 12 secure cycle parking.*

### *TRAMS - Important Note:*

*The proposed site is on or adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:*

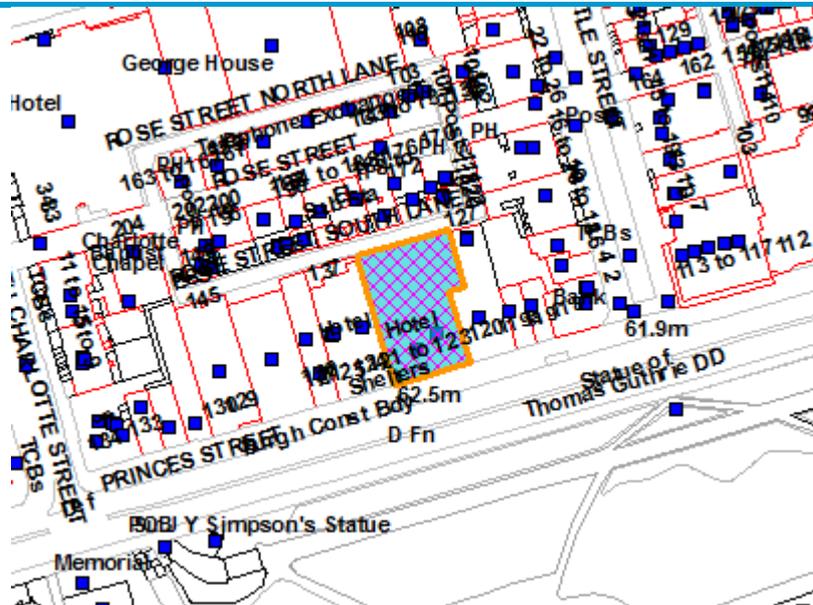
- o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;*
- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;*
- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;*
- o Any excavation within 3m of any pole supporting overhead lines;*
- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;*

o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line. See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>

Note:

- a. The applicant proposes no parking provision and complies with the Council's 2017 parking Standards in Zone 1 which allows for zero parking.
- b. Tram contribution for the proposed 59 bed Class 7 in Zone 1 = £180,632; tram contribution for the existing 2540m<sup>2</sup> retail in Zone 1 = £234,447; net tram contribution = £0.00.

## Location Plan



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