

# Development Management Sub-Committee Report

**Wednesday 21 June 2023**

**Application for Planning Permission STL  
The Water Tower, South Queensferry, EH30 9TS.**

**Proposal: Change of use from residential to commercial short term let.**

**Item – Committee Decision  
Application Number – 23/00581/FULSTL  
Ward – B01 - Almond**

## **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 listed building, or its setting and it will preserve or enhance the character or appearance of the conservation area.

A change of use of this property to Short Term Let (STL) will not have an unacceptable impact on neighbouring amenity. The proposal complies with the Development Plan NPF 4 policy 30 (e) part (i) and LDP policy Hou 7.

Whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), on balance it is recognised that there is a strong degree of economic benefit having this property in STL use. The economic benefit paired with the properties unique nature and situation all contribute to its compatibility as an STL.

Overall, the proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this proposal.

## SECTION A – Application Background

### Site Description

The application site is for the converted Water Tower, in East Dalmeny. Located within the Green Belt as detailed in the Local Development Plan. The property is a three storey, one bedroom house, with garden grounds to the west. The property is accessed via a shared driveway to the south, that is used by one other residential property. The property has its own main door entrance and parking to the east. To north of the site is Main Street that runs east from Dalmeny village.

The property is positioned in a rural setting however the surrounding character has mixed use elements, with both commercial and residential uses. The Water Tower is accessible by public transport via Easter Dalmeny bus stop.

The building is category C listed (5545), designated on the 30/01/1981.

### Description of The Proposal

Change of use from residential to commercial short term let (retrospect).

### Supporting Information

- Planning Statement

### Relevant Site History

No relevant site history.

### Other Relevant Site History

The proposal is associated with a previous change of use on the site (99/01074/FUL).

### Pre-Application process

There is no pre-application process history.

### Consultation Engagement

No consultations undertaken.

### Publicity and Public Engagement

**Date of Neighbour Notification:** 22 February 2023

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

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 0

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- 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.

### **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.
- NPF4 Green Belt Policy 8.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3
- Local Development Plan Environment Policies, Env 10

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Business (updated April 2023) is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

### **Listed Building and Setting**

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

The proposal complies with the objectives of NPF 4 Policy 7.

## Proposed Use

With regards to NPF 4 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.

### *Development in the Green Belt and Countryside*

As the development will not see physical development, this ensures that the proposal would not detract from the landscape quality or rural character of the area. The proposal complies with NPF4 Policy 8.

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 relate to STL proposals.

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

The non-statutory Guidance for Businesses (update April 2023) 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*

The proposed site is located in a mixed-use rural position. Accessed via a private front door, from a driveway that is shared with the residential property, Easter Dalmeny Farmhouse, situated 60 metres further beyond.

The property is unique in nature. The converted water tower comprises of three floors, one room per floor, with a single bedroom. This limits the use of the property to just two guests and would not facilitate uses that could cause unreasonable levels of disturbance. Due to its isolation and no immediate neighbouring properties, a change of use to STL would not detriment the immediate neighbouring properties residential amenity.

The properties size, unique nature and isolated position mitigates the effect it could have on the residential amenity of neighbouring properties beyond what is existing in the further local area.

The proposal will not have an unacceptable impact on the living conditions and amenity of nearby residents. The proposal complies with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

### *Loss of residential accommodation*

NPF 4 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.

As the current lawful planning use of the property is residential a change of use would result in the loss of residential accommodation.

Having the property within residential use would contribute to the economy, through the use of a variety of local services and employment opportunities across the City. Long term residents also have the ability to make consistent and long-term contributions to the local community.

However, paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are also likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit.

The applicant provided a planning statement commenting that a change of use would not impact on the overall housing supply as it is a one-bedroom property and it would help meet the unmet need for holiday accommodation.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits, though it is recognised there is a degree of economic benefit and given the unique characteristics of this property, it is considered the non-compliance with Policy 30 (e) part (ii) is justified.

### Parking Standards

Off street parking is available, though zero parking is acceptable as there are no parking requirements for STLs. Cycles could be parked inside the property.

The proposals comply with LDP Policies Tra 2 and Tra 3.

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

Whilst it is recognised the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), the unique character of the property and its position supports its use and function as a short term let, which is further supported by the recognised economic benefits to the local economy.

Furthermore, a change of use of this property to short term let will not have an unacceptable impact on neighbouring amenity. The proposal complies with the Development Plan and NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

On balance, whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), it is recognised that there is a strong degree of economic benefit having this property in short term let use. The economic benefit paired with properties unique nature and the situation all contribute to its compatibility as a short term let. Overall, on balance, the proposal complies 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

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, 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

The application received no public representations.

**Conclusion in relation to identified material considerations**

The proposals do not raise any issues in relation to other material considerations identified which outweigh the conclusion in relation to the development plan.

**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 or enhance the character or appearance of the conservation area.

A change of use of this property to STL will not have an unacceptable impact on neighbouring amenity. The proposal complies with the Development Plan NPF 4 policy 30 (e) part (i) and LDP policy Hou 7.

On balance, whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), it is recognised that there is a strong degree of economic benefit having this property in STL use. The economic benefit paired with the properties unique nature and situation all contribute to its compatibility as an STL.

The change of use of this property to a Short Term Let will have an acceptable impact on neighbouring amenity. The proposal complies with LDP policy Hou 7 and NPF 4 policy 30 (e) part (i). Overall, the proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this proposal.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

1. No conditions are attached to this consent.

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

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

**Further Information - Local Development Plan**

**Date Registered: 13 February 2023**

### **Drawing Numbers/Scheme**

01 - 03

Scheme 1

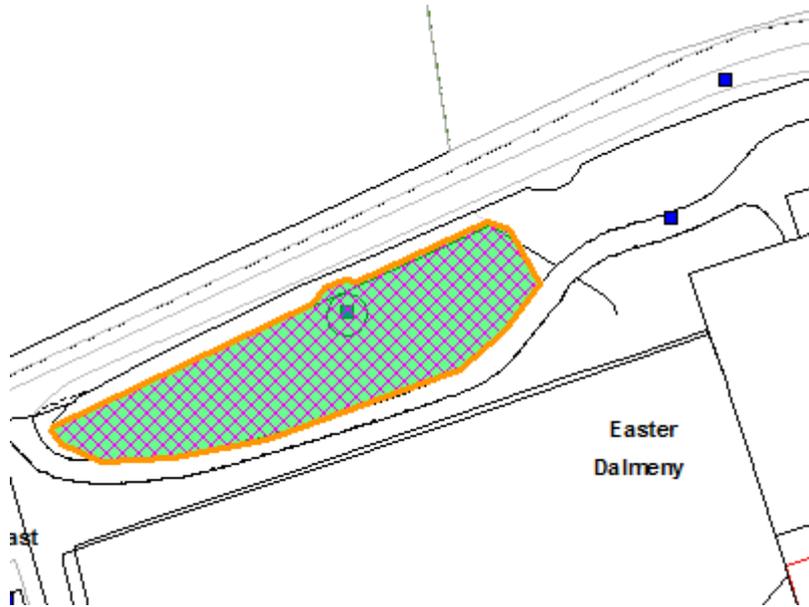
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## Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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