

Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Alphonse, Farquhar, Lawrence (for reviews 1 and 2) and Thomson.

Town House,
ABERDEEN 09 February 2026

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **MONDAY, 16 FEBRUARY 2026 at 11.00 am.**

JENNI LAWSON
CHIEF OFFICER – GOVERNANCE

Members of the Public can observe the meeting via Microsoft Teams [here](#).

BUSINESS

1.1 Procedure Notice (Pages 5 - 10)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

Link to the [Local Development Plan](#)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

PLANNING ADVISER - LUCY GREENE

REVIEW ONE

2.1 Detailed Planning Permission for the change of use of flat to short term let accommodation with maximum occupancy of 4 people - 45 Mearns Street Aberdeen (Pages 11 - 36)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 250841.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 37 - 66)

2.3 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 67 - 86)

2.4 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

2.5 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

REVIEW TWO

3.1 Detailed Planning Permission for the change of use of flat to short-term let accommodation with maximum occupancy of 2 people - Flat B 103 Menzies Road Aberdeen (Pages 87 - 110)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 250842.

3.2 Delegated Report, Original Application Form and Decision Notice (Pages 111 - 136)

3.3 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 137 - 144)

3.4 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

3.5 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

REVIEW THREE

- 4.1 Detailed Planning Permission for the change of use of flat to short-term let accommodation with maximum occupancy of 4 people - Attic Floor Flat, 440 Auchmill Road Aberdeen (Pages 145 - 168)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 250701.
- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 169 - 194)
- 4.3 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 195 - 224)
- 4.4 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.5 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on lymcbain@aberdeencity.gov.uk / tel 01224 067344

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. Local members are not permitted to sit on cases that fall within their ward.
3. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
4. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
5. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
6. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
7. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;

- (c) an inspection of the site.
8. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
 9. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

10. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
11. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
 - “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.”
12. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
13. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
14. The LRB will give clear reasons for its decision.

Planning Development Management Committee and Local Review Body Site Visit Protocol

1. Introduction

- 1.1 The Planning Development Management Committee (PDMC) or the Local Review Body sometimes decides to inspect a site to gain a greater understanding of its location, physical characteristics and relationship to neighbouring properties or land uses. These can help Members reach an informed decision on a planning application.
- 1.2 This protocol sets out the procedure to be followed for the conduct of such formal site visits by Members. To ensure fairness, this guidance should be observed during these visits.
- 1.3 Site visits should only be necessary where:
 - the application can't be assessed fully without a site visit (eg. the proposal raises issues that need to be experienced eg. noisy or smelly processes near the site),
 - where the required information hasn't been provided by way of the plans, images or any supporting information, or
 - where the proposal is particularly contentious and where the benefit of a site visit is clear and substantial.

2. Interested Parties and Neighbouring Properties

- 2.1 There may also be a possibility that Members will visit neighbouring properties as part of the site visit. The Committee Clerk will contact all interested parties who submitted a timely representation in regards to an application ("interested parties") to let them know the application is on the agenda and, in the case of PDMC, advising that they may make a verbal representation at the Committee. Any interested parties who are neighbouring proprietors to the site, may request that their properties are visited as part of any site visit that may take place. To do so, they will be obliged to respond in writing to the Committee Clerk by the deadline of 12pm on the Tuesday before PDMC requesting that the committee visit their property during any site visit. In relation to the Local Review Body, any interested parties who are neighbouring proprietors to the site should indicate their wish for the Local Review Body to visit their property should a site visit be undertaken. Indication should be given in response to the notification given to the interested party advising them that the notice of review has been received.
- 2.2 If the PDMC or Local Review Body determine that a site visit is required for a particular application then the Committee or Local Review Body will also, at the same meeting, decide by agreement (or by way of a Procedural Motion if no agreement can be reached) whether they wish to visit the properties of any interested parties who have requested that they do so, as above. The decision of the PDMC or Local Review Body is final as to whether a site visit is conducted.
- 2.3 The applicants and/or their agent, as well as any interested parties whom PDMC or the Local Review Body have decided to visit their property as part of the site visit, as above, will also be advised of the site visit.
- 2.4 A copy of this protocol will be provided to the applicants and/or their agents and any interested parties whom PDMC or the Local Review Body have decided to visit their property as part of the site visit, as above. It will also form part of the agenda for the relevant site visit meeting.

- 2.5 It is important to emphasise that permission to enter any land will require to be given by the landowner. Landowners are legally entitled to refuse entry to their land.

3. Conduct of Site Visits

- 3.1 The Councillors' Code of Conduct applies to site visits; therefore interests should be declared. Members should not attend the site visit or take part in the determination of the application if, having considered the objective test in the Code of Conduct, they consider that they have a prejudicial interest.
- 3.2 Site visits are a fact finding exercise and not part of the formal consideration of the application and, therefore, Members require to remain impartial. Members must not appear to favour one or other party and must avoid reaching a final decision until all views have been presented at the Committee or Local Review Body meeting to take place following the site visit.

4. Procedure on Site

- 4.1 The Planning Development Management Committee or Local Review Body Convenor will call the site visit to order, ask the Committee Clerk to outline the site visit protocol, and invite the Planning Officer to summarise:
1. the application;
 2. any relevant site history;
 3. the features of the site;
 4. any other matters the Planning Officer considers should be pointed out.
- 4.2 The Planning Officer will then show Members around the site, showing relevant plans, describing the development proposed and pointing out significant features, and will also advise whether interested parties have requested that the PDMC Committee or Local Review Body view the site from other locations and how that is to be dealt with. Members may ask the Planning Officer factual questions (eg. distances to adjoining or interested parties' properties or the location of the planned development) but must not otherwise discuss the application. All questions should be objective, relevant and material. Members are not permitted to hear or express opinions on the merits of the application during the site visit. Members should not address anybody other than each other, the Planning Officer, other Council Officers and the Committee Clerk. Any questions from Members to the applicant, agents and interested parties should be directed through the Convenor. The applicant, agent and local ward members, community council representatives may join the site visit group but only to observe and listen and will not be permitted to address Members other than specifically when requested by the Convenor or the Planning Officer to confirm factual information such as the location of physical features and access points. Members of the public may attend and listen to the proceedings where these are conducted in public areas, but they have no right to enter private land or buildings. If the site visit gives rise to excessive lobbying or demonstrations, Members may cancel the visit and arrange another in private.
- 4.3 Hospitality will not be accepted during the site visit by Members from applicants or other parties given that this could be seen to show favour.
- 4.4 In order to assist in ensuring that all Members receive the same information to inform the decision making process, they should keep together in one group with the

Convenor and the Planning Officer during the entirety of the accompanied site visit. They should not break-off to discuss the proposal separately in small groups with other members, with residents or with the applicant.

5 What happens after a Site Visit

- 5.1 After a site visit has taken place, the PDMC will then reconvene and determine the application in the usual manner. Local Review Body meetings are held remotely and therefore following the site visit, Members will reconvene remotely. Any Member wishing to vote on an application or review following a Site Visit must have been in attendance at the Site Visit.

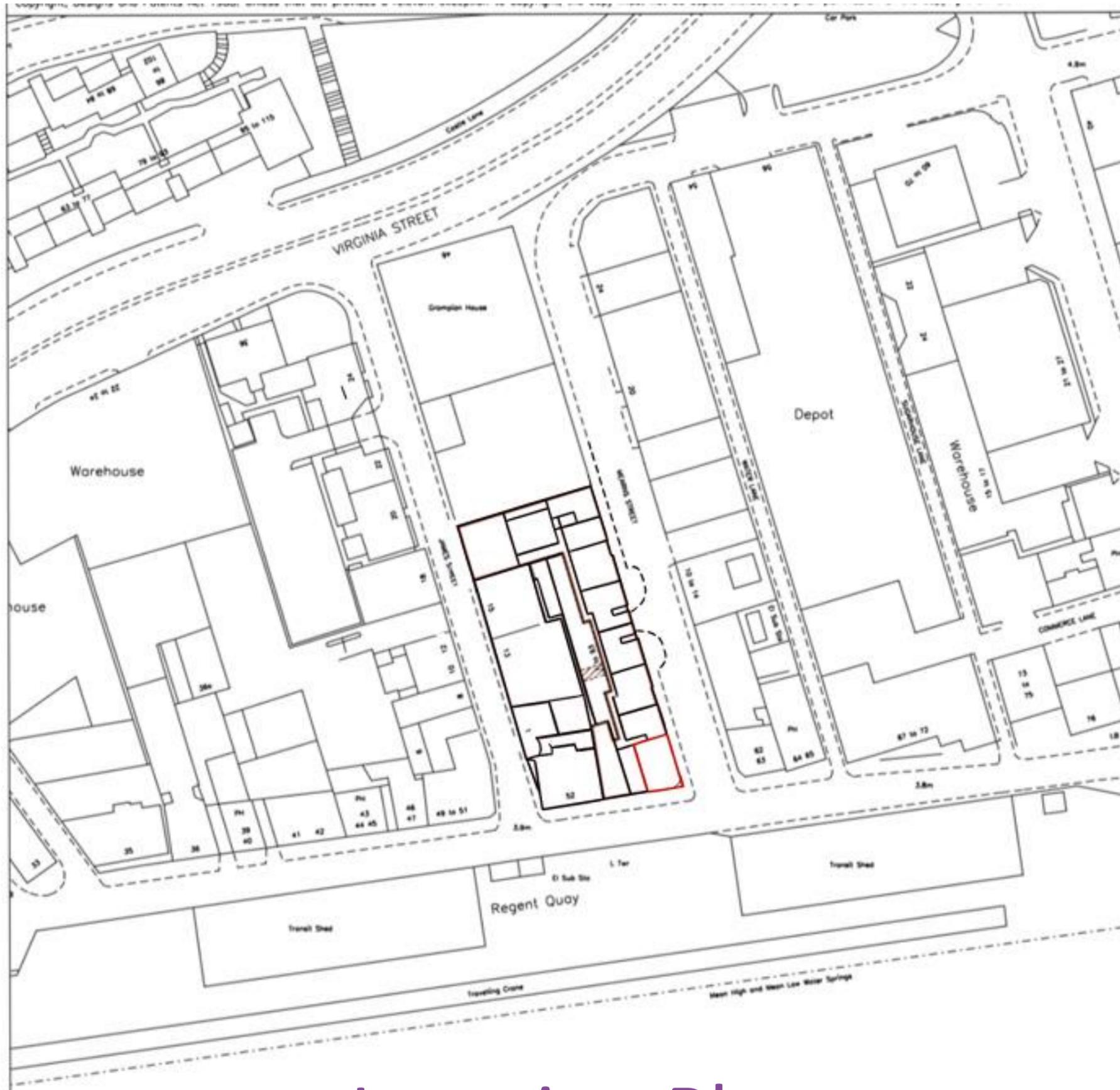
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Local Review Body (LRB) 16 February 2026

250841/DPP - 45 Mearns Street, Aberdeen

**Change of use of flat to Short Term Let accommodation with
maximum occupancy of 4 people**

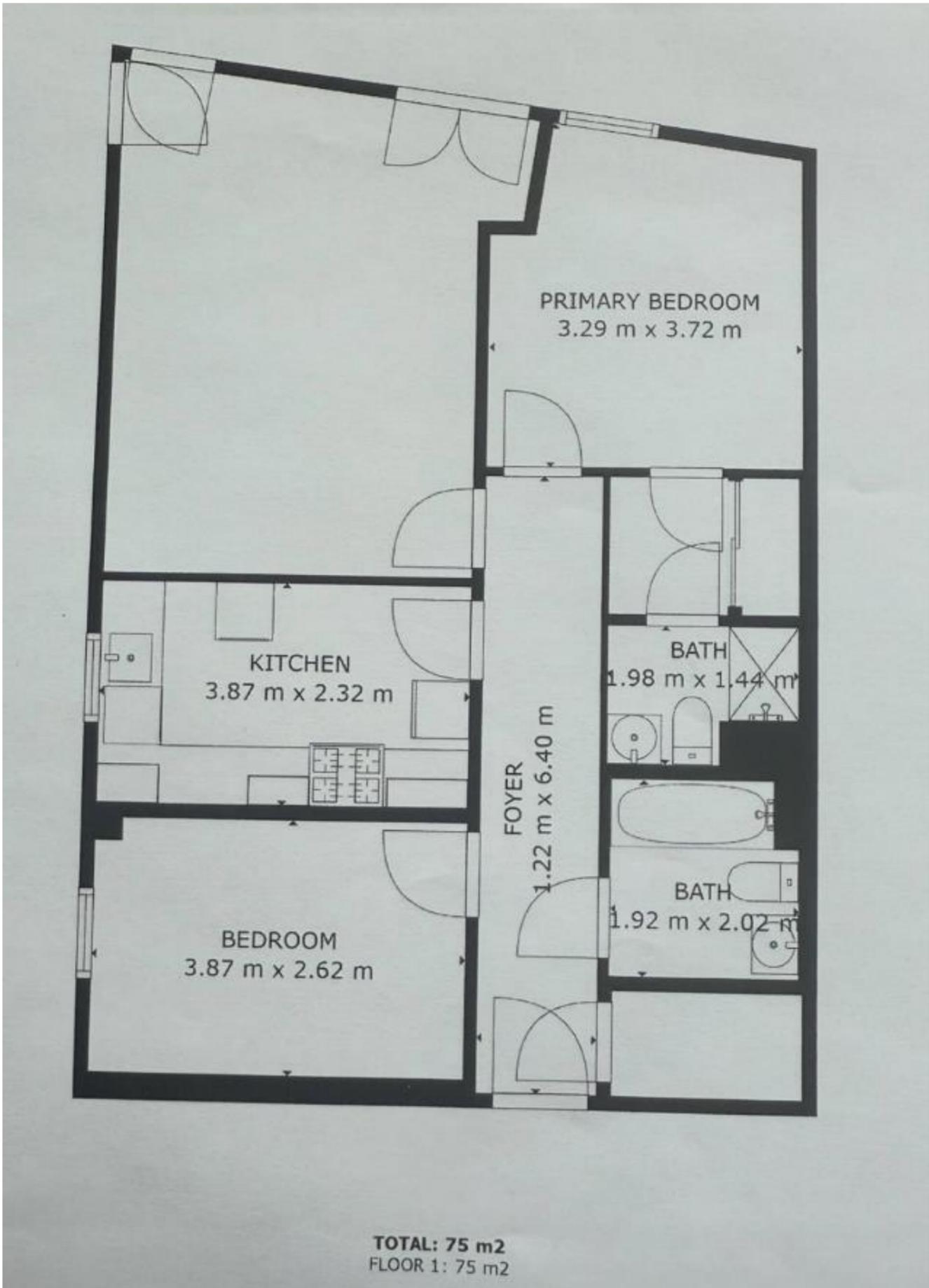
Lucy Greene, Planning Advisor



Location Plan



Third Floor flat



Reasons for Decision:

- Adverse cumulative impact on amenity of occupants of other flats of further STL. Would result in 7 out of 46 flats in STL use (26 guests total) with two STLs on floor of ten flats, with up to 8 guests.
- Negative impact on sense of security, due to large no. of transient visitors in communal areas, noise and disturbance of comings and goings.
- Conflict with policies H2 (Mixed Use Areas), D1 (Quality Placemaking) in LDP and 14 (Design, Quality and Place) and 30 (Tourism) in NPF4.

Applicant's Case, summarised as follows:

- Since

NPF4 Policies:

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 12: Zero Waste
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 30 (Tourism)

NPF4: Policy 1: Tackling the Climate and nature crises

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy Outcomes:

- Zero carbon, nature positive places.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2: Climate mitigation & adaptation

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy Outcomes:

- Emissions from development are minimised; and
- Our places are more resilient to climate change impacts.

Policy 2

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 12

Zero waste

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

Policy Outcomes:

- The reduction and reuse of materials in construction is prioritised.
- Infrastructure for zero waste and to develop Scotland's circular economy is delivered in appropriate locations.

- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

Policy 13

Sustainable transport

Policy Principles

Policy Intent:

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy Outcomes:

- Investment in transport infrastructure supports connectivity and reflects place-based approaches and local living.
- More, better, safer and more inclusive active and sustainable travel opportunities.
- Developments are in locations which support sustainable travel.

- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
 - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii. Will be accessible by public transport, ideally supporting the use of existing services;

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Tourism policies: **Policy 30**

NPF4 – Policy 30

Policy Intent:

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.

Policy Outcomes:

- Communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

- a) Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported.
- b) Proposals for tourism related development will take into account:
 - i. The contribution made to the local economy;
 - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
 - iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
 - iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
 - v. Accessibility for disabled people;
 - vi. Measures taken to minimise carbon emissions;
 - vii. Opportunities to provide access to the natural environment.

- e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
 - i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

LDP Policies:

- Policy H2 (Mixed Use Areas)
- Policy D1 (Quality Placemaking)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy VC2 (Tourism and Culture)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- APGs: Short Term Lets
Transport and Accessibility
Houses in Multiple Occupation and Overprovision

Local Development Plan 2023

Policy H2 – Mixed Use Areas

Applications for development or change of use within Mixed Use Areas (H2 on the Proposals Map) must take into account the existing uses and character of the surrounding area and avoid direct conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. Conversely, where new industrial, business or commercial uses are deemed appropriate, development should not adversely affect the amenity of people living and working in the area.



Local Development Plan 2023

Policy VC2: Tourism and Culture

Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.

Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.

Policy R5 – Waste Management Requirements for New Development

All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

Local Development Plan 2023

Policy D1 – Quality Placemaking

All development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

Proposals are required to ensure:

- quality architecture, craftsmanship and materials;
- a well considered layout, including biodiverse open space, high quality public realm and landscape design;
- a range of sustainable transportation opportunities ensuring connectivity commensurate with the scale and character of the development.

Successful places will sustain and enhance the social, economic, environmental, wellbeing and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities.

- distinctive
- welcoming
- safe and pleasant
- easy to move around
- adaptable
- resource efficient

Safe and Pleasant

- designed with pedestrian movement as the priority
- avoids unacceptable impacts on adjoining uses, including noise, smell, vibration, dust, air quality, invasion of privacy and overshadowing
- enables natural surveillance of public spaces through active frontages and does not create spaces which are unsafe or likely to encourage or facilitate crime
- distinguishes between private and public space
- inclusive in its design and creates accessible environments

Local Development Plan 2023

Policy T2 – Sustainable Transport

Proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated. New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport. Proposals should be designed to allow for public transport penetration which should be available within 400 metres from the centre of the development.

Policy T3 – Parking

Inner and Outer City

In inner city areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. Where this is not possible, development shall be required to comply with the parking standards set out in Aberdeen Planning Guidance: Transport and Accessibility. Low car development is encouraged within conservation areas.

Short Term Lets APG

- *If the property is a flat, what floor of the building it is located on;*
- *The maximum number of occupants / guests that will use the STL at any one time;*
- *Whether the property is to be used as an STL on a full-time or part-time basis;*
- *Parking arrangements;*
- *Anticipated turnover of guests / length and frequency of stays;*
- *Arrangements for the storage and collection of waste from the property.*
- *How many other properties the STL shares an access and / or communal areas with;*
- *Details of any communal amenities and / or external amenity space that the property has access to; and,*
- *Character of the surrounding area, including existing uses*

Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states:

'Short-term lets make an important contribution to the tourist economy because they can:

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b) offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).'*

Social Costs: (page 18)

- a) increased costs of housing (renting or purchase) for local people;*
- b) the supply of local amenities for residents may decrease if there are not enough residents to make these amenities financially viable;*
- c) the quality of the neighbourhood and sense of community can be adversely affected if residents feel less safe because of the high concentration of short-term lets or if residents have fewer permanent neighbours;*
- d) specific nuisance such as through noise, littering and other forms of antisocial behaviour; and*
- e) use of short-term let accommodation for criminal enterprises (such drug dealing, sex trafficking etc.), with or without the collusion of the host.*

Circular 1/2023: Short Term Lets and Planning

- Refers to Policy 30 in NPF4 - tourism
- Balance against wider policy objectives
- Planning Authorities may grant for limited time

SG Research findings: most common positive impact of STLs is local economic impact associated with tourism.

<https://www.gov.scot/publications/research-impact-short-term-lets-communities-scotland/>

Evaluation

- **Primacy of Development Plan**
- **The Planning Act requires all applications to be determined in accordance with Development Plan unless material considerations indicate otherwise**
- **Careful assessment, each application treated on its merits**

Basis for Decision

Zoning: Mixed Use Areas (H2)

Would there be harm to residential amenity of neighbours (Policy H1 and Policy 30)

Appropriateness of location for Short Term Let (VC2)

Impact on local economy (Policy 30 and VC2)

1. Does the proposal comply with the Development Plan when considered as a whole?

2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?

Decision – state clear reasons for decision

Circular 4/1998 Use of conditions in planning permissions

2. Conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:

necessary

relevant to planning

relevant to the development to be permitted

enforceable

precise

reasonable in all other respects.

Circular 1/2023 (Short-Term Lets and Planning)

4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).

Housing Need and Demand Assessment – 5 year cycle

Consideration of New Matters

A party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination reviewed was made unless that party can demonstrate—

- (a) that the matter could not have been raised before that time, or
- (b) that its not being raised before that time was a consequence of exceptional circumstances.

The above does not affect any requirement or entitlement to have regard to—

- (a) the provisions of the development plan, or
- (b) any other material consideration.

Question for LRB: Is the LRB satisfied that the new matters raised in the notice of review should be taken into account in this review?

Circular 4/1998 Use of conditions in planning permissions

2. Conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:

necessary

relevant to planning

relevant to the development to be permitted

enforceable

precise

reasonable in all other respects.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling by Development Management Manager</p>
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Site Address:	45 Mearns Street, Aberdeen, AB11 5ER
Application Description:	Change of use of flat to short-term let accommodation with maximum occupancy of 4 people
Application Ref:	250841/DPP
Application Type:	Detailed Planning Permission
Application Date:	8 August 2025
Applicant:	Richards Tattoo Studio LTD
Ward:	George Street/Harbour
Community Council:	Castlehill and Pittodrie

DECISION

Refuse.

APPLICATION BACKGROUND

Site Description

The application property is a third floor flat within a five-storey apartment block of 46 flats built in the last twenty years on the corner of Mearns Street and Regent Quay by Aberdeen Harbour. There is no communal garden ground and on-site car parking is situated at ground floor, accessed from Mearns Street, while there are two pedestrian communal doors, one opening onto Regent Quay and one Mearns Street. Regent Quay and Mearns Street border the building to the south and east; to the north is an industrial yard and to the west are the rears of workshops.

The surrounding area consists of a mixture of residential flats and small to medium sized offices and industrial units, as well as some cafes and pubs further to the west.

On the third floor (where the flat is situated) are ten residential flats. The properties on the floor are accessed along a sheltered communal balcony. The property is situated in the south-east corner of the building; adjacent to its west is another flat and its front door is at the end of a short spur hallway, facing the front door of another flat. The flat has a gross floor area of approximately 75 square metres and consists of two bedrooms, a kitchen, a living room, a bathroom and a shower room. It has a dual aspect with windows looking onto Mearns Street and Regent Quay.

Relevant Planning History

There is no planning history for the property itself. In the last two months, two planning applications for short-term let use within the overall building have been determined:

- 250641/DPP – Detailed planning permission for the change of use of 23 Mearns Street from a flat to short-term let accommodation with a maximum occupancy of two people was approved conditionally on 10 Septe². The permission is extant although no notice of initiation

of development has been received to date. The permission is extant although no notice of initiation of development has been received to date.

- 250627/DPP – Detailed planning permission for the change of use of 35 Mearns Street from a flat to short-term let accommodation with a maximum occupancy of three people was refused under delegated powers on 26 August 2025, due to the cumulative impact the proposal in its specific spatial context and occupation would have on residential amenity. No notice of review has been submitted to the Local Review Body to date.

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to change the use of the property from a residential flat to short-term let accommodation with a maximum occupancy of four people. The existing waste and car parking facilities would be used.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at –

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=TOMEMGBZLQU00>

- STL Checklist

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

- **ACC - Roads Development Management Team** – No objection. They have noted that the existing and proposed use have similar parking requirements and that there is therefore no net detriment in parking demand. They note that the site is readily accessible by sustainable transport modes.
- **ACC - Waste and Recycling** – No objection. Have advised that the current residential bins may be used until commercial status is determined. They set out the requirement of the operator to either enter into a contract with the Council or to arrange waste and recycling services with a third party. They advise the operator's legal responsibilities under the Waste (Scotland) Act 2012 and general guidance on the management of waste.

External Consultees

- **Castlehill and Pittodrie Community Council** – No response received.

REPRESENTATIONS

Two representations have been received (2 objections). The matters raised can be summarised as follows – The matters raised can be summarised as follows –

Material Considerations

1. Excessive concentration of short-term lets within the building, with the risk that the cumulative impact transforms the residential development into the equivalent of an aparthotel, which is inappropriate in this location;
2. Loss of residential character, to the detriment of sense of community and residential wellbeing;
3. Impact on housing supply;
4. Potential to set a precedent for further short-term let applications;
5. Increase in anti-social behaviour, including the mess and costs associated with this;
6. Harmful levels of noise.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023

- Policy D1 (Quality Placemaking)
- Policy H2 (Mixed Use Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Aberdeen Planning Guidance

- Short-term Lets
- Houses in Multiple Occupation and Overprovision
- Transport and Accessibility

Other National Policy and Guidance

- Scottish Government publications:
 - Circular 1/2023: [Short-Term Lets and Planning](#)
 - Short Term Lets: [Business and regulatory impact assessment – November 2021](#)
- Scottish Government – [Research into the impact of short-term lets on communities across Scotland – October 2019](#)

Other Material Considerations

- Housing Need and Demand Assessment 2023-28

EVALUATION

Key Determining Factors

The key determining factors are the impact of the proposed development on the character and amenity of flats within the block and on the wider area, its accessibility to the city centre, public transport nodes and other sites of high visitor footfall, and its impact on housing supply.

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

“e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits”.*

The application site lies within a Mixed Use Area, as zoned on the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map. Policy H2 (Mixed Use Areas) of the ALDP requires all new development in such areas to take into account the existing uses and character of the surrounding area and to avoid direct conflict with adjacent land uses and amenity.

Relevant to these considerations and others are the general principles of placemaking, which are elaborated in Policy 14 (Design, Quality and Place) of NPF4. Policy 14 requires all developments to demonstrate the six essential qualities of successful places: to be healthy, pleasant, connected, distinctive, sustainable and adaptable. Policy D1 of the ALDP sets out similar criteria. The proposal would be of a character and scale such that it does not conflict with the criteria to be distinctive, or sustainable. The criteria to be healthy, pleasant, connected and adaptable will be considered in further detail through the evaluation.

Impact on character and amenity

The mix of uses in the area consists of residential uses (mostly flats), offices, light industrial workshops and a smaller concentration of shop and other public footfall uses such as cafes and a

clinic. This is not to mention Aberdeen Harbour on the southern side of Regent Quay, which is the source of much of Regent Quay's traffic, including heavy goods vehicles. Side streets such as Mearns Street running north from Regent Quay are much quieter and primarily serve local traffic. Given this mixed character and the small scale of the proposed short-term let, it would not have any significant impact on the character of the wider area.

Policy 14 (Design, Quality and Place) of NPF4 requires to be designed to be healthy, through supporting the prioritisation of women's safety and improving physical and mental health. Annex D of NPF4, which elaborates on the six qualities of successful places, further states that places should promote *"lifelong wellbeing through ensuring spaces, routes and buildings feel safe"* and *"social connectivity and creating a sense of belonging and identity within the community"*. Policy D1 (Quality Placemaking) of the ALDP seeks development to be safe and pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy and in terms of noise.

In general, it is considered that the use of a property as short-term let accommodation (STL) within residential flatted buildings could result in increased harm to the amenity of neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- the potential for noise from increased coming and goings via the communal entrance and stairwell due to frequent customer turnovers (check-ins and check-outs) and cleaning between occupancies;
- the potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a 'party flat';
- the potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

This is supported by The Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021, which identifies potential negative impacts of STLs in high-density areas as *"the daily disruption and stress caused by constant 'visitor use', rather than residential use – noise, disturbance, buzzers, door knocking, littering, anti-social behaviour, the loss of a sense of community and security where the majority in both the close, and within the wider local community."* These impacts on character and amenity have also been raised as part of the objections (*issues 2, 5 and 6 in representations*).

In this instance, the proposed STL is a two-bedroom flat with a stated maximum occupancy of four people at any one time. It is thus considered unlikely that the flat in isolation would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Such activities could nevertheless take place in the property if operated as mainstream residential accommodation.

In terms of wider impacts on amenity, the property shares entrance doors and stairwells with 40 other mainstream residential flats and five licensed STLs, with an additional flat having received planning permission for use as an STL and with its licence application pending determination (see Relevant Planning History above). Upon arriving at the third floor, the property then shares a communal access balcony with eight other mainstream residential flats and one licenced STL. At present, approximately 13% (6 out of 46) of properties within the overall development are licenced and/or have planning approval for use as an STL.

Aberdeen Planning Guidance: Short-term Lets ('APG: STLs') sets out the various considerations which will be weighed up when assessing applications for planning permission for change of use to STL. In particular, it states:

“the Council will have particular regard to the presence of any existing STLs within the building and their total occupancy levels. This is because the presence of multiple STLs within a tenement or block of flats is likely to have a greater effect on the amenity of other residents through cumulative impacts. When assessing cumulative impacts for proposals relating to the use of a flat as an STL, account will also be taken of any existing Houses in Multiple Occupation (HMOs) within the building and their total occupancy levels.”

The proposed STL would increase the overall concentration of STLs within the block to 15% and the concentration on the communal balcony for the third floor to 20%. For the avoidance of doubt, there are no HMOs in the building. Guests of the proposed STL would pass through either of the ground floor lobbies and part way up the stairwells and lifts, spaces which are also used by guests of the five currently licensed STLs. At present the total number of transient occupants of STLs who may use these communal spaces at any one time is up to 22 persons. With reference to the issue of parties or anti-social activities considered above, the high concentration of STLs within the same building increases the risk of simultaneous booking of different units by the same party whereby the impact of any anti-social or noisy activity would be intensified to levels at odds with the established residential amenity.

Based on the information available, the five currently licensed STLs are all two-bedroom flats each with maximum occupancies of four people, which is the maximum occupancy these properties could reasonably accommodate. Their typical mainstream residential occupancy for adults would generally be lower. As such, the existing STLs together are capable of operating at a higher intensity of occupation with a higher rate of comings and goings than mainstream residential use and have an existing cumulative impact on the character and amenity of the building. Being a property of a similar character with the same proposed maximum occupancy of four people, the proposal would further contribute to this cumulative impact. This is in addition to the property with planning permission under application 250641/DPP, which has a maximum occupancy of two people.

This raises the threshold at which any additional short-term let in the building, with further cumulative impact on the amenity of communal areas and services, would be acceptable. While impact on residential amenity is dispersed by the respective STLs on each floor, it is concentrated on the communal entrances and stairwells which all properties use. In particular in this case, there is already one STL on the same floor as the application property, whereupon the proposal would bring the total concentration of STLs on that floor to 20%, having an additional impact on the character and amenity of the third floor in particular. This cumulative impact of excessive concentrations of STLs has also been raised in the representations (*issue 1*).

When giving guidance on how cumulative impact of STLs is assessed, APG: STLs draws a link between the not dissimilar amenity impacts of STLs and HMOs by including HMOs within the assessment of cumulative impact of STLs. It is noted from APG: Houses in Multiple Occupation and Overprovision that 12% within a Small Data Zone is considered a concentration beyond which adverse impacts on amenity would become unacceptable. While HMOs are not the same as STLs and no explicit concentration threshold is given in APG: STLs, the comparison can go towards informing evaluation of the concentration of STLs within a building or neighbourhood, taking into account all other factors. The proposal would increase the concentration of STLs within the single building to 15% and on the same floor to 20%. Considering this and also the high maximum occupancies of the existing licensed STLs which exacerbates their current impact on amenity, the proposed STL with the same maximum occupancy would therefore have a significant adverse impact on residential amenity within the building. This would be through a cumulative increase in comings and goings from numerous strangers and concomitant decrease in a feeling of security, particularly in the context of supporting lifelong wellbeing and social connectivity through ensuring spaces feel safe and welcoming.

It is therefore considered that the use of the property as an STL would, with reference to the existing concentration of STLs in the building and its spatial layout within that building have a significantly adverse impact on residential amenity, contrary to Policy 14 (Design, Quality and Place) and Policy 30(e)(i) of NPF4 and Policy H2 of the ALDP. It would likewise fail to be safe and pleasant under Policy D1 of the ALDP.

The harm on amenity as outlined constitutes the substantive grounds for refusal of the application. Other matters are covered below.

Provision of Short Term Let tourist accommodation and local economic benefits

Policy VC2 (Tourism and Culture) of the ALDP states that:

“Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.

Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.”

The use of the property as an STL offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may be staying in the city for several weeks. The Scottish Government’s publication on ‘Short Term Lets: Business and regulatory impact assessment’ from November 2021 states:

“Short-term lets make an important contribution to the tourist economy because they can:

- a. offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b. offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from ‘hotspot’ areas,*
- c. offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d. provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).”*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of the application property as an STL, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property by tourists and/or business travellers it is envisaged that customers of the property would be likely to spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is backed up in general terms by the Scottish Government’s ‘Research into the impact of short-term lets on communities across Scotland’ publication, produced in October 2019, which states in Key Findings - Chapter 5: *“The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.”*

The application property lies an approximate 240 metres walk from the city centre boundary as zoned in the ALDP Proposals Map, therefore being easily accessible to the services, amenities and attractions of the city centre including public transport services. The proposal, whilst not in total accordance with Policy VC2 of the Aberdeen Local Development Plan, would in effect meet the

policy intentions to steer tourist accommodation towards the city centre or existing Local Development Plan tourist allocations unless it is demonstrated otherwise impracticable.

The small scale of this proposal within the mixed use area with good pedestrian and public transport links is considered to be in a location close enough to the city centre and public transport nodes not to undermine the intentions of Policy VC2 of the ALDP.

Housing

Concerns have been raised in a representation about the impact that a permanent change of use from mainstream residential flat to STL would have on the housing supply (*issue 3*). In relation to impacts on local housing need and demand, the Council's Short-Term Lets APG states:

“Although the most recent Housing Need and Demand Assessment (HNDA) has demonstrated a need for new open market housing in Aberdeen, and that there is also a significant need for more affordable housing, there is not currently understood to be any significant additional pressure placed on local housing need by the conversion of existing residential accommodation to STLs in the City. In this respect, the situation in Aberdeen is different from other areas of Scotland where the number of STLs has placed significant pressure on the availability and affordability of housing (for example in Edinburgh and parts of the Highlands and Islands). At present, the loss of residential accommodation resulting from changes of use to STLs is therefore considered unlikely to have any significant detrimental impact on local housing need within Aberdeen.”

The Aberdeen City Council Communities, Housing and Public Protection Committee declared a housing emergency in Aberdeen on 5 September 2024, with an action instructed to commit to the creation of a Housing Emergency Action Plan to develop solutions to resolve it. To date, there has been no revision to the Short-Term Lets APG following this declaration. There is no guidance within the declaration itself regarding its application in relation to the change of use of existing mainstream residential properties to STLs, nor has any been issued at the time of writing. Because of this, at the time of the determination of this application, minimal weight can be placed on the declaration relative to the other material planning considerations, notably the Development Plan and the adopted APG.

The APG does, however, state the following:

“Nevertheless, it is recognised that housing need and demand can be subject to significant change over time, and HNDAs are updated regularly (normally every five years) to ensure that conditions and changes in the local housing market are appropriately identified and understood.”

In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

“4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).”

At the present time there is no evidence in the Housing Need and Demand Assessment 2023-28 that the proposal would result in a significant impact on local housing need until 2028. Therefore the potential permanent loss of residential accommodation does not form part of the reason for refusal.

Furthermore, were the application to have been approved, and with a view to Policy 30 of NPF4, the housing emergency and existing housing supply data, a condition would have been applied to make the permission temporary, addressing any concern from the objection about the loss of housing being permanent.

Transport and Accessibility

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP both promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. This is further supported by the requirement of Policy D1 of the ALDP for developments to promote easy of moving around. Policy T3 (Parking) of the ALDP requires new developments in the city centre to be car free, given the access to active travel and public transport options.

As discussed concerning Policy VC2 (Tourism and Culture) of the ALDP above, the property is well connected by public and active travel modes to the city centre. As such, the many amenities in the city centre are easily accessible to the property, as are the city's main bus and railway stations and multiple bus routes serving various areas of the city, including the airport and hospital.

Customers would be able to utilise the on-site car parking but would also be able to easily access the property by train or bus and access the property sustainably, generating low vehicular traffic.

Given these considerations, the proposal is compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy 5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient means for the appropriate storage and subsequent collection of that waste and recyclable materials. The property would be a business and would therefore not pay Council Tax.

Specific details on how waste would be managed have not been provided. Nevertheless, the Council's Waste and Recycling team has advised that customers of the STL would be able to utilise the existing communal domestic bins until such time as the commercial status of the property was determined, which is considered an acceptable solution. Notwithstanding the refusal of the application, the proposal accords with Policies 12 of NPF4 and R5 of the ALDP.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, would be sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals. Therefore the proposals are compliant with Policies 1 and 2 of NPF4. The proposed

development would be wholly internal, small-scale and does not offer the opportunity for any biodiversity gain, but would effectively conserve the existing level of biodiversity for the property, generally meeting the requirements of Policy 3 of NPF4.

Matters raised in representations

Issues 1, 2, 3, 5, and 6 have been addressed in the Evaluation above. Concerns have also been raised in objections that the STL could set a precedent for additional STLs in the building, further eroding residential amenity (*issue 4*). Each planning application is determined on its own merits according to the site and the proposal in all their specificities. Cumulative impact of STLs elsewhere is established in APG: STLs as a material consideration in the determination of planning applications.

DECISION

Refuse.

REASON FOR DECISION

The change of use of this property to short-term let (STL) accommodation with a maximum occupation of four guests would result in up to seven STLs within a block of 46 flats with a total maximum occupancy of 26 guests. It would result in up to two STLs on the same floor of 10 flats with a total maximum occupancy of 8 guests, a concentration of 20%. This concentration of STL units within the apartment building and the cumulative intensity of their use would result in significant adverse impact upon the amenity of the residential properties within the apartment building, as a result of the additional STL being approved in its location and proposed maximum occupation.

These harms to amenity would include a negative impact on security, real or perceived, within the communal areas of the building due to the large numbers of transient visitors to the building, and the potential increase in disturbance through noise of comings and goings which would result. This harm to amenity is contrary to Policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism) of National Planning Framework 4 (NPF4), as well as failing to be healthy or safe and pleasant under Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4.



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100722057-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

APPLICATION FOR SHORT TERM LET

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="3"/>
First Name: *	<input type="text" value="Richard"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Pinch"/>	Address 1 (Street): *	<input type="text" value="trinity Quay"/>
Company/Organisation	<input type="text" value="richards tattoo studio ITD"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="GB"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB11 5AA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="45 MEARNS STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB11 5ER"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806229"/>	Easting	<input type="text" value="394683"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

TELEPHONE CONVERSATION WITH ESMOND SAGE

Title:

Mr

Other title:

First Name:

ESMOND

Last Name:

SAGE

Correspondence Reference Number:

50192

Date (dd/mm/yyyy):

29/07/2025

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

75.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

RESIDENTIAL FLAT

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

40

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

1

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

LARGE BINS ALREADY AT THE LOCATION

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Richard Pinch

On behalf of:

Date: 06/08/2025

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Richard Pinch

Declaration Date: 06/08/2025

Payment Details

Online payment: ABSP00012222

Payment date: 07/08/2025 11:38:00

Created: 07/08/2025 11:39

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Richards Tattoo Studio LTD
Mr Richard Pinch
3 Trinity Quay
Aberdeen
AB11 5AA

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	250841/DPP
Address of Development	45 Mearns Street Aberdeen AB11 5ER
Description of Development	Change of use of flat to short-term let accommodation with maximum occupancy of 4 people
Date of Decision	8 October 2025

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows –

The change of use of this property to short-term let (STL) accommodation with a maximum occupation of four guests would result in up to seven STLs within a block of 46 flats with a total maximum occupancy of 26 guests. It would result in up to two STLs on the same floor of 10 flats

with a total maximum occupancy of 8 guests, a concentration of 20%. This concentration of STL units within the apartment building and the cumulative intensity of their use would result in significant adverse impact upon the amenity of the residential properties within the apartment building, as a result of the additional STL being approved in its location and proposed maximum occupation.

These harms to amenity would include a negative impact on security, real or perceived, within the communal areas of the building due to the large numbers of transient visitors to the building, and the potential increase in disturbance through noise of comings and goings which would result. This harm to amenity is contrary to Policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism) of National Planning Framework 4 (NPF4), as well as failing to be healthy or safe and pleasant under Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

Location Plan
Other Floor Plan (Proposed)

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 250841/DPP

Application Summary

Application Number: 250841/DPP

Address: 45 Mearns Street Aberdeen AB11 5ER

Proposal: Change of use of flat to short-term let accommodation with maximum occupancy of 4 people

Case Officer: Esmond Sage

Consultee Details

Name: Scott Lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the Change of use of flat to short-term let accommodation with maximum occupancy of 4 people. The site is located in the Inner City, outwith any controlled parking zone.

Both the existing, and the proposed, have similar parking requirements. As such, the proposal does not represent a net detriment in terms of parking demand.

The site is readily accessible by foot, bicycle, train, bus, etc.

There are no outstanding Roads concerns with this proposal.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Esmond Sage	To: ACC - Waste And Recycling
E-mail: ESage@aberdeencity.gov.uk	Date Sent: 14 August 2025
Tel.: 01224 053904	Respond by: 4 September 2025
Application Type: Detailed Planning Permission	
Application Address: 45 Mearns Street Aberdeen AB11 5ER	
Proposal Description: Change of use of flat to short-term let accommodation with maximum occupancy of 4 people	
Application Reference: 250841/DPP	
Consultation Reference: DC/ACC/T0ZJJ1BZ03X04	

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application. **Response**

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	Y
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

COMMENTS

Site Specific comments:

- To make use of current bins until commercial status can be determined.

See below for general comments:

- Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document: http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at https://www.aberdeencity.gov.uk/sites/default/files/2024-05/APG%20Waste%20Management%20Requirements%20for%20New%20Developments_0.pdf

Responding Officer: J Talaga

Date: 18th of August 2025

Email: wasteplanning@aberdeencity.gov.uk

From: [REDACTED]
To: [PI](#)
Subject: Objection : 250841/DPP ; 250641/DPP ; 250627/DPP
Date: 18 August 2025 10:54:23

Objection to Planning Applications for Short-Term Let Use at Mearns Street

Dear Sir/Madam,

I am writing as a resident of "Indigo Development" in Mearns Street to formally object to the three current planning applications seeking permission for the use of residential flats as short-term lets.

My objections are as follows:

1. Over-concentration of Short-Term Lets

- There are already a number of flats within this development operating as short-term lets. Allowing additional properties to be converted will significantly increase this proportion, to the detriment of permanent residents.
- The cumulative impact risks transforming what should be a residential development into the equivalent of an “aparthotel,” which is inappropriate for this location.

2. Loss of Residential Character & Community Cohesion

- A residential development should prioritise long-term residents who contribute to a sense of community, mutual responsibility, and neighbourly support.
- A further increase in transient occupancy undermines this stability and sense of belonging, which is essential to the wellbeing of those of us who live here permanently.

3. Impact on Housing Supply

- Flats intended for residential use should remain part of the local housing supply for permanent residents. Permitting more short-term lets reduces the availability of homes for people who wish to live here long-term.

4. Policy Considerations

- Many local planning authorities now recognise the need to manage and limit the number of short-term lets in residential developments to protect amenity and housing availability.
- Granting further approvals here would run contrary to that principle and set a precedent for future applications, making it difficult to resist yet more conversions.

To be clear, My objection is specifically to the proposed *increase* in number, which I strongly believe would have an adverse cumulative impact on the building and its residents.

For these reasons, I respectfully request that the planning authority refuse these applications.

Yours faithfully,
Alexander Bird

Comments for Planning Application 250841/DPP

Application Summary

Application Number: 250841/DPP

Address: 45 Mearns Street Aberdeen AB11 5ER

Proposal: Change of use of flat to short-term let accommodation with maximum occupancy of 4 people

Case Officer: Esmond Sage

Customer Details

Name: Mr A Brands

Address: 15 Mearns Street Aberdeen AB115ER

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There has been a large increase in anti-social behaviour in the development of late. This has included mess in the communal areas, vomit, broken glass etc. Instances of excessive noise and rowdiness have also increased. This has been increasing as the number of short term lets has increased whether licensed or not. Some of the people using short term let accommodation have no regard for the permanent residents of the development or for the additional costs incurred clearing up their mess.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 053746 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100736528-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Cooper & MacGregor Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Angela	Building Name:	
Last Name: *	Cooper	Building Number:	86
Telephone Number: *	01224 323839	Address 1 (Street): *	86 Summerhill Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB15 6ED
Email Address: *	mail@coopmac.scot		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="3"/>
First Name: *	<input type="text" value="Richard"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Pinch"/>	Address 1 (Street): *	<input type="text" value="Trinity Quay"/>
Company/Organisation	<input type="text" value="Richards Tattoo Studio Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB11 5AA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="45 MEARNS STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB11 5ER"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806229"/>	Easting	<input type="text" value="394683"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Planning Application: 250841/DPP, Change of use of flat to short-term let accommodation, with maximum occupancy of 4 people.
Local Review Body hearing request

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached report for detailed reasons

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

181 - LRB Report (11 pages)

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

250841/DPP

What date was the application submitted to the planning authority? *

06/08/2025

What date was the decision issued by the planning authority? *

08/10/2025

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Angela Cooper

Declaration Date: 16/12/2025

Fee Exemption Reason

I used the fee calculator and my application / request for local review / appeal is not subject to fee

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Cooper & MacGregor Ltd
Chartered Architect

01224 323839
mail@coopmac.scot
www.coopmac.scot

86 Summerhill Crescent, Aberdeen, AB15 6ED
Registered in Scotland, Company No: SC562315. Directors Angela Cooper & Robert MacGregor

Local Body Review



Planning Application: 250841/DPP

Change of use of flat to short-term let accommodation
with maximum occupancy of 4 people

45 Mearns Street

Aberdeen

AB11 5ER

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1. Introduction

This statement is submitted to the Aberdeen City Council Local Review Body (LRB) in support of the appeal against the refusal of planning application 250841/DPP.

The application seeks consent for the change of use of a two-bedroom flat at 45 Mearns Street to short-term let (STL) accommodation, with a maximum occupancy of four individuals.

This document should be read in conjunction with all drawings, forms, and supporting information previously submitted as part of the original application. Its purpose is to respond comprehensively to the stated reasons for refusal, to provide a clear and structured account of material considerations, and to demonstrate that the proposal accords with the relevant provisions of the Aberdeen Local Development Plan 2023 (ALDP), National Planning Framework 4 (NPF4), and Aberdeen City Council Planning Guidance (APG).

2. Reason for Refusal – Summary and Commentary

The application was refused on the basis that an additional STL within the building would contribute to an excessive concentration of such uses, allegedly to the detriment of residential amenity. The decision cites concerns relating to noise, security, and the cumulative effect of transient visitors.

This appeal demonstrates that:

- The concentration figures cited are inconsistent with numerous recent planning approvals across the city.
- The unique design characteristics of the building, particularly the open-air access walkways and enclosed stair/lift cores limit the potential for noise or disturbance.
- The surrounding area is a predominately mixed-use, commercially active environment where increased movement and visitor presence is characteristic and expected.
- Material planning considerations, such as support for established local businesses were not properly accounted for in the assessment.
- Several factual inaccuracies regarding the building, occupancy assumptions, and nearby land uses materially undermine the reasoning set out in the report of handling.

3. Context and Purpose of Accommodation

Richards Tattoo Studio Ltd has operated continuously in Aberdeen since 1986 and currently trades from 3 Trinity Quay, Aberdeen, AB11 5AA.

The business employs five members of staff and hosts visiting freelance tattoo artists and specialists who travel from across the UK and Europe for short-term residencies.

The business purchased 45 Mearns Street expressly to provide suitable accommodation for these visiting professionals. The location is ideally positioned near the studio, near public transport nodes, and near other central amenities.

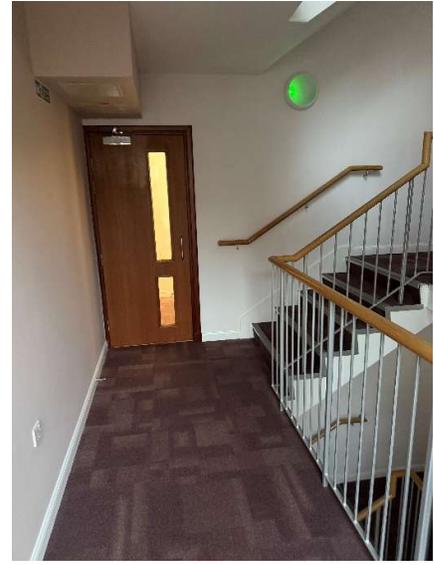
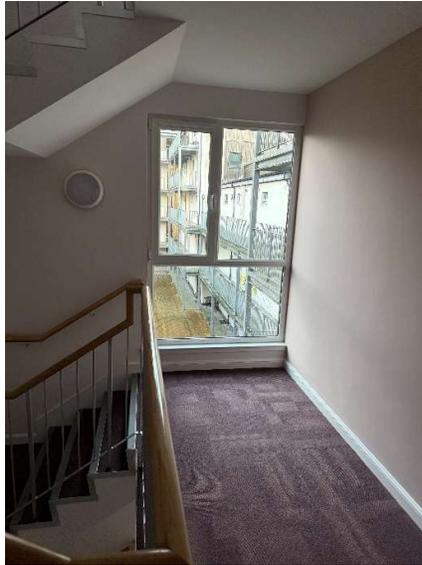
When not required for business purposes relating to the tattoo studio, the property would be made available for short-term let.

Support for established local businesses is an acknowledged material consideration within planning policy.

Relevant planning provisions include APG Serviced Apartments, ALDP Policy VC1 (Vibrant City), ALDP Policy VC4 (City Centre and Retail Core), NPF4 Policy 6 (Business and Employment), NPF4 Policy 27 (City Centre and Urban Areas) and NPF4 Policy 28 (Mixed Use Areas).

These considerations were not referenced within the report of handling and should carry weight in the determination of this appeal.

4. Characteristics of the Existing Building



4.1 Building Arrangement and Circulation

The above photographs show the circulation arrangement. These photographs show the open nature of the access corridors and the spacious stairwells. The construction and floor finishes to the stairs are noted these are important in preventing transfer of noise.

The building comprises five residential floors above ground floor parking, served by two enclosed stairwells and lifts, crucially:

- All residential units are accessed via open-air walkways, significantly reducing the potential for noise reverberation common in enclosed tenement stairwells.
- Both stair/lift cores are fully enclosed, meaning noise from suitcases or footfall is contained.
- No. 45 is located adjacent to the stair/lift core, minimizing any footfall past neighboring units.

4.2 Construction Standards and Acoustic Integrity

The building warrant for the 46 flat development was granted in 2007, with completion in 2010. At this time, the Scottish Building Regulations included strengthened requirements for sound insulation. It is therefore reasonable to assume that the structure was designed to minimize noise transfer between dwellings.

It should be noted that the planning approved scheme accommodated 49 flats comprising 103 bedrooms, equivalent to an estimated occupancy of 206 individuals. The planning authority was clearly satisfied at that time that the development was capable of accommodating a high level of domestic activity without harm to occupant and amenity.

4.3 Existing Licensed STLs Within Development

There were five existing licensed STLs within the building at the time of application (Flats 7, 49, 65, 81, and 89). These units did not require planning permission, as the planning authority previously determined that their use within this mixed-use building was compatible with the surrounding environment and did not give rise to amenity concerns.

It is noted that flats 7, 49, 65, 81, and 89 are under one reputable management company.

This provides an established precedent that STL use is an accepted and appropriate activity within this development.

It is noted that flat 23 has since been planning approved for STL use.

5. Comparative Analysis of Recently Approved STLs

The refusal cites a 15% concentration within the block and 20% concentration on the applicant's floor as unacceptable. However, numerous recent approvals demonstrate that much higher concentrations have been accepted, even within fully residential areas with access halls leading directly onto front doors.

Examples include:

- | | | |
|--------------------------------|----------------|----------------|
| • 13B Wallfield Crescent | 50% on floor, | 16.7% in block |
| • 19 Wallfield Crescent | 50% on floor, | 16.7% in block |
| • 187 Headland Court | 50% on floor, | 12.5% in block |
| • 136 Bankhead Road | 100% on floor, | 33.3% in block |
| • 24 Albyn Grove | 50% on floor, | 16.7% in block |
| • Flat A, 8 Bon-Accord Terrace | 100% on floor, | 25% in block |

The 15 % and 20% figures applied in the refusal therefore lacks consistency, proportionality, and policy foundation.

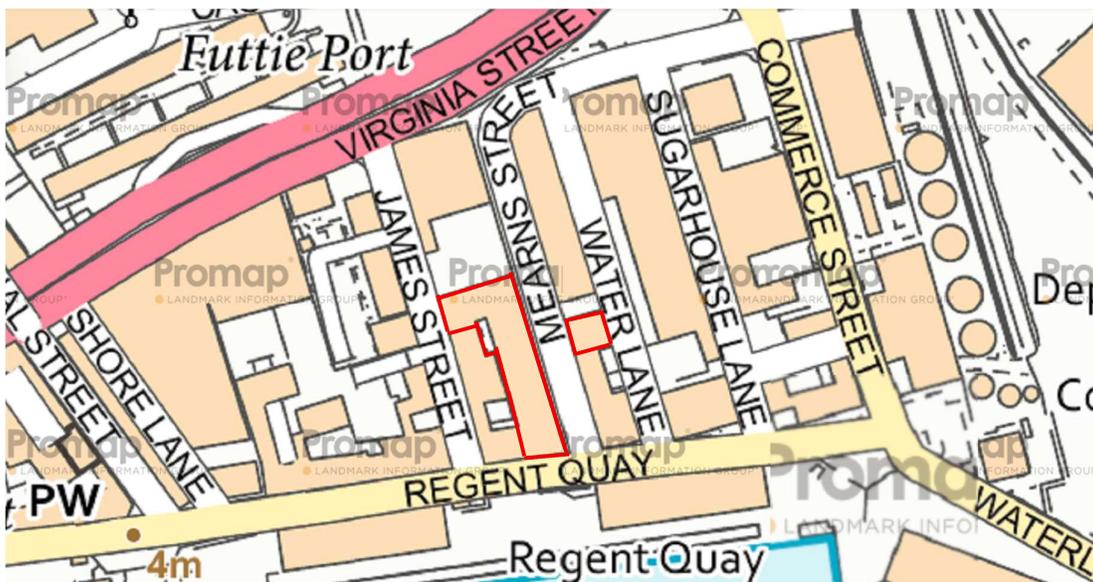
6. Site Description and Local Context

6.1 Surrounding Character

The site lies within a designated Mixed-Use Area. The immediate vicinity comprises predominantly commercial and industrial uses, including offices, workshops, auto-repair units, a fitness center, cafés, public houses, and harbor-related operations.

Only one other building on Mearns Street contains residential units. The area would therefore be more accurately described as primarily commercial with some residential presence. The residential properties on Mearns Street are outlined in red below.

This aligns with ALDP Policy H2, which supports uses that are complementary to the existing mixed character of such areas.





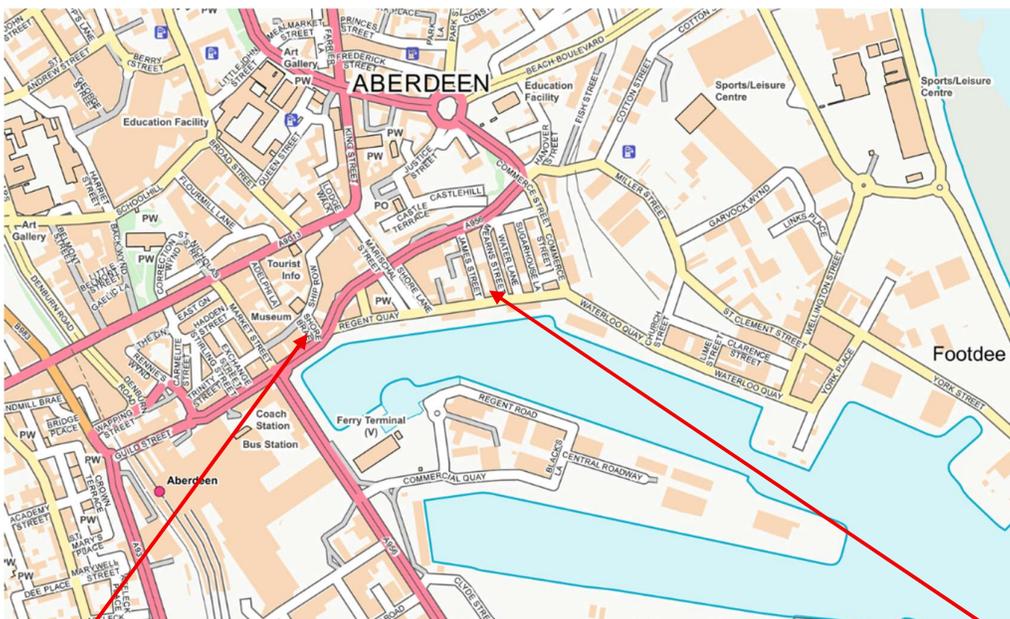
45 Mearns Street

6.2 Proximity to Aberdeen Harbour and Transport Hubs

Victoria Dock, part of the Port of Aberdeen (Aberdeen Harbor), operates continuously 24 hours per day, 7 days per week and contributes to constant levels of footfall, traffic movement, and background noise.

A single small-scale STL would have no perceptible impact within this already active environment. The above aerial image demonstrates the proximity to the harbor and shows the commercial nature of the area.

Due to the site’s proximity to Union Square, Aberdeen bus and rail stations, and major commuter routes (including Virginia Street), highlighted below, the location is ideally suited to short-term visitor accommodation in accordance with NPF4 Policy 30 (Tourism).



Richards Tattoo Studio

45 Mearns Street

6.3 City Centre Location

1.2 Introduction to Topic

Serviced apartments are residential flats used as short term quasi hotel accommodation by business and leisure visitors to the city. They are usually fully furnished and can be equipped with kitchen facilities and Wi-Fi. Other services can include house keeping and laundry, either on a daily basis or between periods of occupation.

Providing a range of short term residential accommodation options to both business and leisure visitors to the city centre is to be encouraged. Promotion of a diversification of uses in the city centre can support its vitality and vibrancy. The planning application process will consider impact on other uses in the locality and whether the proposal satisfies the policies in the development plan. The convenience of city centre accommodation can enable visitors to make more sustainable transport choices on both their inward and outward journeys in addition to during their stay.

Short term let accommodation and serviced accommodation both offer guests convenient accommodation for a short period of time. City Centre locations are encouraged by Aberdeen City Council as noted within APG `Serviced Apartments` (extract above), therefore it would be accepted that a city center location such as Mearns Street would be an acceptable and encouraged location for such accommodation.

7. Representations

Two objections were submitted. Concerns exist regarding their validity and accuracy:

- One objection lacks a full address and does not specify the application.
- The second lists an address inconsistent with the Landlord Register.

The applicant attempted to contact one of the objectors without success, and the property appears unoccupied.

No evidence links any existing STL at the development to antisocial behavior. Any antisocial behavior would constitute a breach of STL license conditions and could be addressed immediately.

Speculation regarding "party flats" is unfounded and inconsistent with the responsible management record of the existing licensed STLs, all operated by a reputable agent with established safeguards.

8. Support from Property Management

A letter of support has been provided by the Property Manager (Newton Property) and attached to this report. They confirm that the applicant has consistently contributed to maintenance duties, including waste removal and the general upkeep of communal areas, improving the development's safety and reducing costs for residents.

9. Existing Residential Turnover and Business Use

21 of the 46 units are registered as rental properties, demonstrating that high turnover is normal within this location.

Companies House records indicate numerous businesses registered to numerous addresses within the building.

Short-term letting is therefore consistent with existing patterns of occupation and commercial activity.

10. Expected Occupancy

The primary users will be visiting artists associated with the Tattoo Studio, typically 1–2 adults.

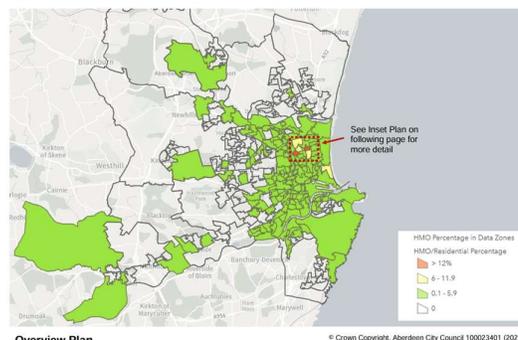
According to The Scottish Governments `Statistics on short-term lets in Scotland` occupancy rates on average within Scotland were 43% in 2023. Aberdeen may be above this average and the website Airbtics suggests on average occupancy within Aberdeen is 60%.

Short term letting occupancy is seldom continuous, and industry norms suggest average occupancy of between 43 – 60%. It is therefore unreasonable to assess impacts based on theoretical maximum occupancy.

11. HMO and STL Policy Considerations



Appendix 1 – Snapshot of Small Data Zone HMO Concentrations (Summer 2023)



The application site sits within the Small Data Zone identified as `Hanover South` and this area is identified above with extracts from the Small Data Zone for Aberdeen.

Hanover South, covers a large area as identified in orange above.

Within the HMO planning guidance referred to within the report of handling the maximum % of an area relates to the Small Data Zone, not the floor level or block.

Neither STL nor HMO guidance sets any maximum percentage threshold for STLs per block or per floor. The 20% figure referenced in the refusal has no basis in adopted policy.

When applying the planning authority's own occupancy methodology, the potential total STL occupancy equates to approximately 10.68% of the building's originally approved capacity, substantially lower than concentrations accepted elsewhere in the city.

Admitted that only 46 of the proposed 49 flats were actually constructed but the development when approved was expected to contain a higher number of residents.

12. Compliance with Relevant Planning Policies

The proposal accords with:

- ALDP Policy H2 (Mixed Use Areas)
- ALDP Policy D1 (Quality Placemaking)
- ALDP Policy 27 (Business and Employment)
- ALDP Policy VC1 (Vibrant City)
- ALDP Policy VC4 (City Centre and Retail Core)
- NPF4 Policy 6 (Business and Employment)
- NPF4 Policy 14 (Design, Quality and Place)
- NPF4 Policy 27 (City Centre and Urban Areas)
- NPF4 Policy 28 (Mixed Use Areas)
- NPF4 Policy 30 (Tourism)
- Aberdeen Planning Guidance Short-Term Lets
- Aberdeen Planning Guidance Serviced Apartments

13. Conclusion

The refusal decision is not supported by policy, evidence, or precedent. The development's design and location significantly minimize any potential for disturbance, the surrounding area is commercial and active in character, and the proposal supports a long-standing local business. No evidence demonstrates harm to amenity or security.

The Local Review Body is therefore respectfully invited to overturn the refusal and grant planning permission for the change of use to a short-term let at 45 Mearns Street.

Central Scotland

87 Port Dundas Road, Glasgow, G4
0HF

0141 353 9700
factor@newtonproperty.co.uk

Highlands

Lyle House, Fairways Business
Park, Inverness, IV2 6AA

01463 572 633
factorinv@newtonproperty.co.uk

North East

19 Albert Street, Aberdeen, AB25 1XX

01224 45 27 45
factorabn@newtonproperty.co.uk

Inverclyde

315 Eldon Street, Greenock, PA16 7QN

01475 333 011
factorgrn@newtonproperty.co.uk

Change of use of flat to short term let accommodation with maximum occupancy of 4 people at 45 Mearns Street, Aberdeen, AB11 5ER

I am writing in support of the above planning application and local review body appeal.

I am the Property Manager for Newton Property Management Ltd, the property factor for the 46-flatted development at Mearns Street, Aberdeen, where the above property is located.

I have known Mr. Richard Pinch, the owner of Richard's Tattoo Studio, since his point of ownership and would like to highlight his continued assistance and positive contribution to the overall upkeep and management of the development.

Richard regularly visits the development, which sits between his studio and workshop. He consistently ensures that the development, communal areas and shared bin area are well maintained while reporting these issue directly to myself.

Since Richards point of ownership, Richard has frequently gone above and beyond; removing bulk waste items and rubbish that were abandoned at the bin area, assisting with cleaning in the communal stairwells and external areas and most recently, removal of two abandoned ovens left by the bins. These actions are greatly appreciated by both the residents and our management team.

It should be noted that rubbish, waste and abandoned items have no connection to Richard or his properties. Nonetheless, he continues to show great care for the appearance and maintenance of the development, regularly reporting issues to us and offering assistance where possible. His efforts have directly contributed to avoiding unnecessary contractor call-outs and his proactive approach has helped reduce costs for all owners.

In light of his helpful and responsible attitude and ongoing support for the development, I fully support the proposed change of use for No. 45 to a short-term let property. I have no doubt that Richard will manage this in the same considerate and thoughtful manner he has shown over the years.

Yours faithfully,

Yours sincerely,

Lewis Gardiner
Property Manager
For and on behalf of Newton Property Management Ltd.



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Short Term Let Accommodation

Planning Supporting Information Checklist



Property Address and Floor Level:

<p>What is the maximum number of occupants that would be allowed to stay in the property?</p>	<p>4 People</p> <p>2 bedrooms 2 beds</p>
<p>How many bedrooms and beds would there be?</p>	
<p>What is the minimum duration of stays for customers?</p> <p>Please also state the maximum duration of stay, if applicable.</p>	<p>2 night minimum</p> <p>Maximum stay N/A</p>
<p>Would there be any car parking available for customers?</p> <p>If yes, how many spaces and what type? (i.e. dedicated off-street space, on-street etc)</p>	<p>No dedicated parking</p> <p>On street and payed parking available</p>
<p>Would the property be in use as a Short Term Let (STL) on a permanent basis, or would it only be available to hire for certain periods of the year only?</p> <p>If not permanent, please provide further details</p>	<p>Short term letting is a trail possible long term letting is also possible . Accommodation will also be used for family visiting etc.</p>
<p>What would the check-in and check-out times be and would customers be met or would they collect the keys from a key box or similar?</p>	<p>Check in 3,00pm check out 10.00am</p> <p>Meeting the guest if possible , key box when this is not suitable.</p>
<p>Please advise what the arrangements would be, including frequency, for cleaning the property and how would waste be disposed of?</p>	<p>Family would be available 7 days a week to deal with cleaning and waste</p>
<p>Does the property share a communal access with any other properties and if so, how many?</p>	<p>Shared access with about 90 flats in the building</p>
<p>Does the property have access to any communal amenities, including garden ground or roof terraces?</p> <p>If so, provide details</p>	<p>Shared bins on the street . No garden or communal terrace .</p>
<p>If known, how many other properties in the building are currently in use as Short Term Let accommodation?</p>	<p>About 10 other properties short term let.</p>

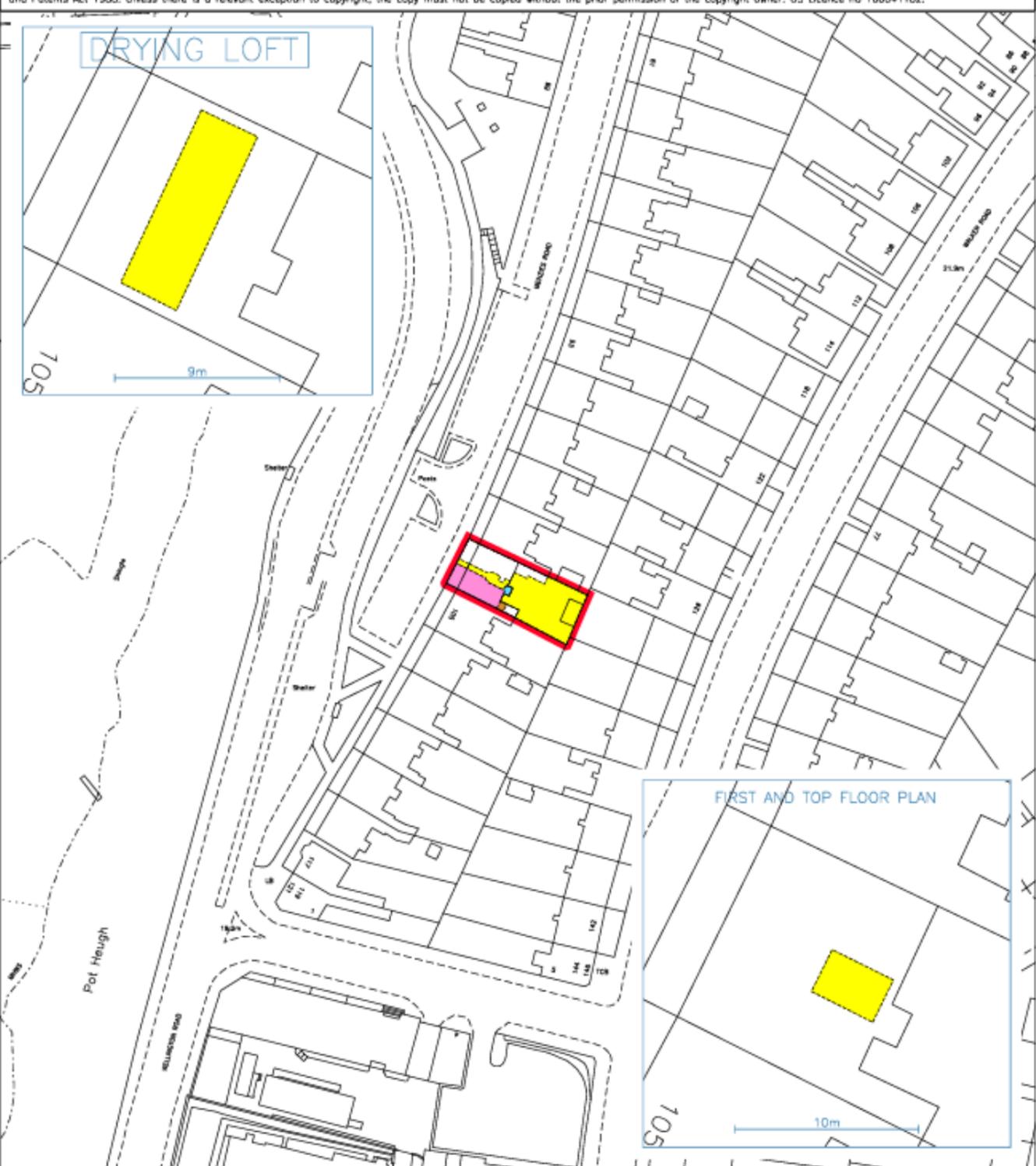
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Local Review Body (LRB) 16 February 2026

250842/DPP - Flat B, 103 Menzies Rd, Aberdeen
Change of use of flat to Short Term Let accommodation with
maximum occupancy of 2 people

Lucy Greene, Planning Advisor

Location Plan



103 Menzies Rd

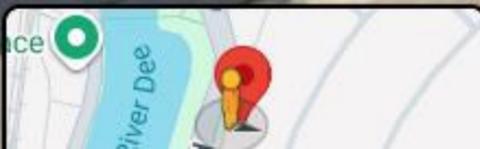
Aberdeen, Scotland

Google Street View

Jul 2022 See more dates

Share

X



Happy Paws In-Home
Mobile Dog Grooming

Torry Convenience Store
Convenience Store

Walker Rd

Walker Rd

Walker Rd

Walker Rd



Menzies Rd

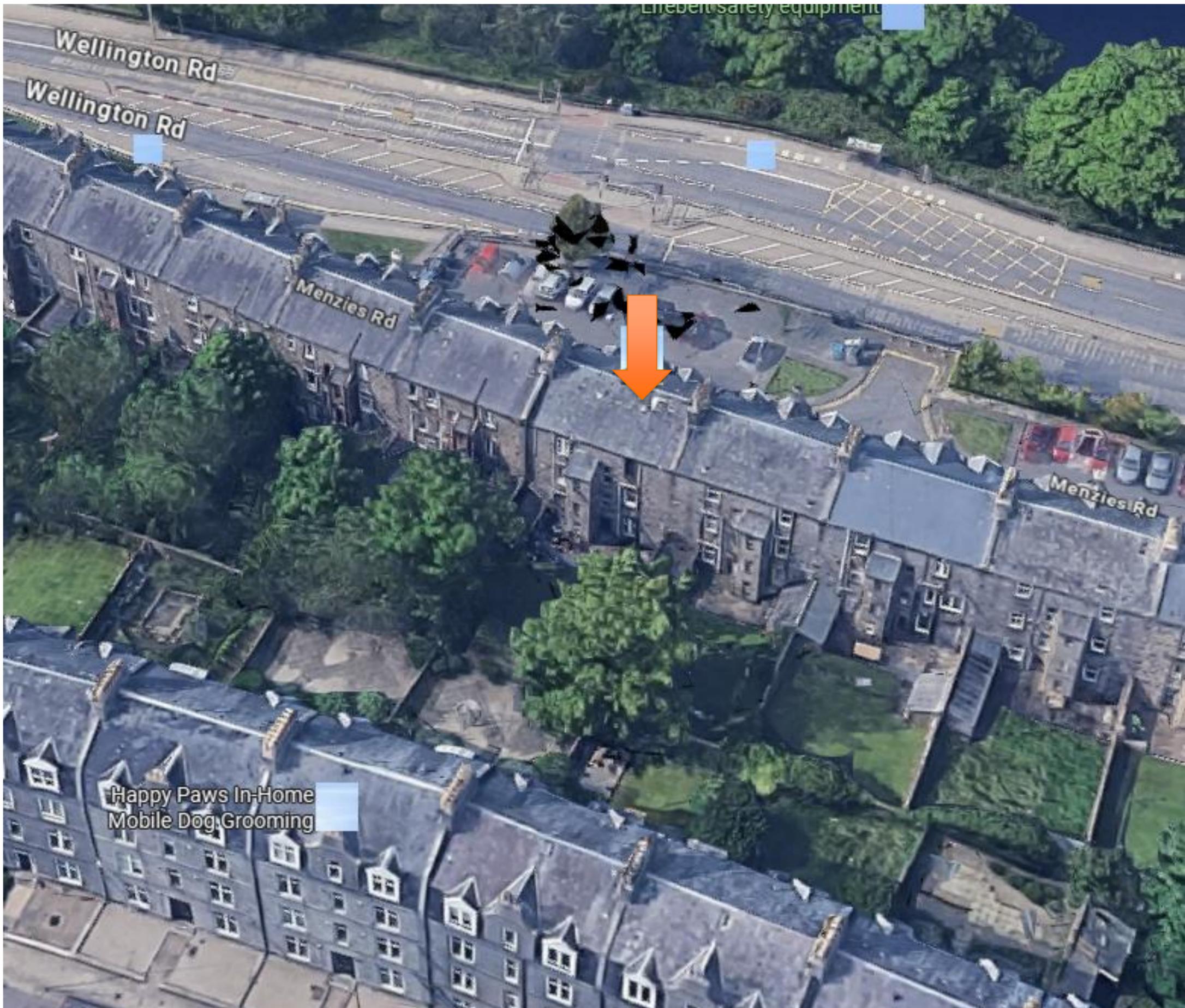
Menzies Rd

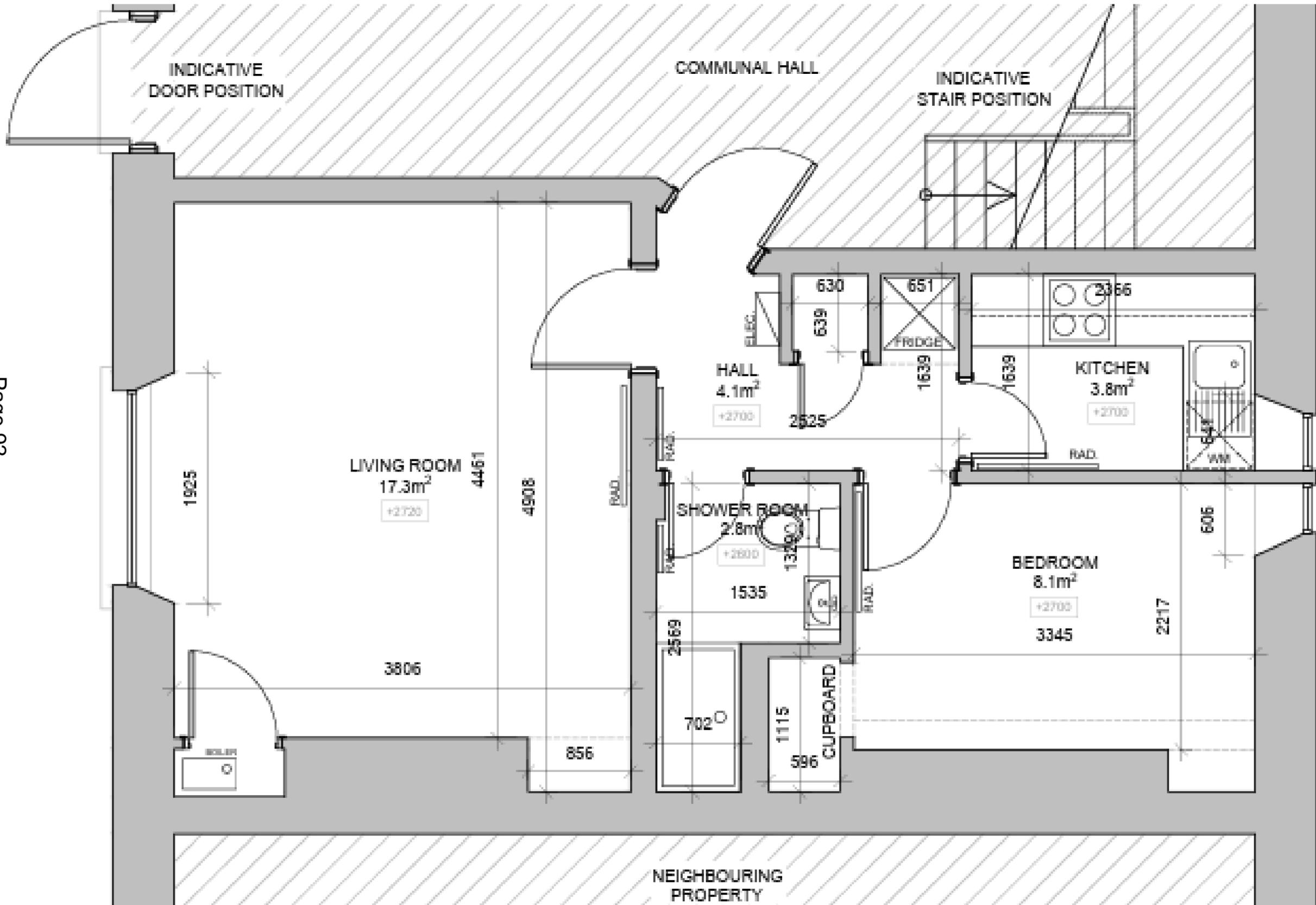
Menzies Rd

Wellington Rd

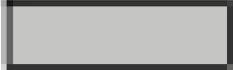
Wellington Rd







LEGEND:

-  EXISTING WALLING
-  EXISTING FEATURES



Reasons for Decision:

- Adverse cumulative impact on amenity of occupants of other flats of STL together with existing 5 person HMO property in bldg., the latter spanning whole first floor. Addition of two further transient people. Impact on sense of security, women's safety, noise and disturbance. Particular impact on Flat A with STL sharing ground floor and HMO above
- Conflict with policies H1 (Residential Areas), D1 (Quality Placemaking) in LDP and 14 (Design, Quality and Place) and 30 (Tourism) in NPF4, and Short Term Lets Planning Guidance

Applicant's Case, summarised as follows:

- Since buying flat applicant has repainted front door, cleaned hallway and tidied and removed rubbish from garden.
- Also repaired lock to front door, meaning rough sleepers no longer able to access and non-residents access garden
- Owner of other flat feels the block is better managed and prefers short tenants to long term ones with negative behaviour.
- Applicant is resident of Torry and feels it does not deserve baed reputation
- Flat is small and next to front door. Visitors (1 or 2 people) would not cause disturbance to upper floor residents
- Applicant would manage flat and would have control over guests conduct, ensuring security.

NPF4 Policies:

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 12: Zero Waste
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 30 (Tourism)

NPF4: Policy 1: Tackling the Climate and nature crises

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy Outcomes:

- Zero carbon, nature positive places.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2: Climate mitigation & adaptation

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy Outcomes:

- Emissions from development are minimised; and
- Our places are more resilient to climate change impacts.

Policy 2

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 12

Zero waste

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

Policy Outcomes:

- The reduction and reuse of materials in construction is prioritised.
- Infrastructure for zero waste and to develop Scotland's circular economy is delivered in appropriate locations.

- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

Policy 13

Sustainable transport

Policy Principles

Policy Intent:

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy Outcomes:

- Investment in transport infrastructure supports connectivity and reflects place-based approaches and local living.
- More, better, safer and more inclusive active and sustainable travel opportunities.
- Developments are in locations which support sustainable travel.

- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
 - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii. Will be accessible by public transport, ideally supporting the use of existing services;

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Tourism policies: **Policy 30**

NPF4 – Policy 30

Policy Intent:

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.

Policy Outcomes:

- Communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

- a) Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported.
- b) Proposals for tourism related development will take into account:
 - i. The contribution made to the local economy;
 - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
 - iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
 - iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
 - v. Accessibility for disabled people;
 - vi. Measures taken to minimise carbon emissions;
 - vii. Opportunities to provide access to the natural environment.

- e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
 - i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

LDP Policies:

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy VC2 (Tourism and Culture)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- APGs: Short Term Lets

Transport and Accessibility

Local Development Plan 2023

Policy H1 – Residential Areas

Within existing residential areas, proposals for non-residential uses will be supported if:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Policy VC2: Tourism and Culture

Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.

Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.

Policy R5 – Waste Management Requirements for New Development

All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

Local Development Plan 2023

Policy D1 – Quality Placemaking

All development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

Proposals are required to ensure:

- quality architecture, craftsmanship and materials;
- a well considered layout, including biodiverse open space, high quality public realm and landscape design;
- a range of sustainable transportation opportunities ensuring connectivity commensurate with the scale and character of the development.

Successful places will sustain and enhance the social, economic, environmental, wellbeing and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities.

- distinctive
- welcoming
- safe and pleasant
- easy to move around
- adaptable
- resource efficient

Safe and Pleasant

- designed with pedestrian movement as the priority
- avoids unacceptable impacts on adjoining uses, including noise, smell, vibration, dust, air quality, invasion of privacy and overshadowing
- enables natural surveillance of public spaces through active frontages and does not create spaces which are unsafe or likely to encourage or facilitate crime
- distinguishes between private and public space
- inclusive in its design and creates accessible environments

Local Development Plan 2023

Policy T2 – Sustainable Transport

Proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated. New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport. Proposals should be designed to allow for public transport penetration which should be available within 400 metres from the centre of the development.

Policy T3 – Parking

Inner and Outer City

In inner city areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. Where this is not possible, development shall be required to comply with the parking standards set out in Aberdeen Planning Guidance: Transport and Accessibility. Low car development is encouraged within conservation areas.

Short Term Lets APG

- *If the property is a flat, what floor of the building it is located on;*
- *The maximum number of occupants / guests that will use the STL at any one time;*
- *Whether the property is to be used as an STL on a full-time or part-time basis;*
- *Parking arrangements;*
- *Anticipated turnover of guests / length and frequency of stays;*
- *Arrangements for the storage and collection of waste from the property.*
- *How many other properties the STL shares an access and / or communal areas with;*
- *Details of any communal amenities and / or external amenity space that the property has access to; and,*
- *Character of the surrounding area, including existing uses*

Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states:

'Short-term lets make an important contribution to the tourist economy because they can:

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b) offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).'*

Social Costs: (page 18)

- a) increased costs of housing (renting or purchase) for local people;*
- b) the supply of local amenities for residents may decrease if there are not enough residents to make these amenities financially viable;*
- c) the quality of the neighbourhood and sense of community can be adversely affected if residents feel less safe because of the high concentration of short-term lets or if residents have fewer permanent neighbours;*
- d) specific nuisance such as through noise, littering and other forms of antisocial behaviour; and*
- e) use of short-term let accommodation for criminal enterprises (such drug dealing, sex trafficking etc.), with or without the collusion of the host.*

Circular 1/2023: Short Term Lets and Planning

- Refers to Policy 30 in NPF4 - tourism
- Balance against wider policy objectives
- Planning Authorities may grant for limited time

SG Research findings: most common positive impact of STLs is local economic impact associated with tourism.

<https://www.gov.scot/publications/research-impact-short-term-lets-communities-scotland/>

Evaluation

- **Primacy of Development Plan**
- **The Planning Act requires all applications to be determined in accordance with Development Plan unless material considerations indicate otherwise**
- **Careful assessment, each application treated on its merits**

Basis for Decision

Zoning: Residential Areas (H1)

Would there be harm to residential amenity of neighbours (Policy H1 and Policy 30)

Appropriateness of location for Short Term Let (VC2)

Impact on local economy (Policy 30 and VC2)

1. Does the proposal comply with the Development Plan when considered as a whole?

2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?

Decision – state clear reasons for decision

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling by Development Management Manager</p>
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Site Address:	Flat B, 103 Menzies Road, Aberdeen AB11 9AN
Application Description:	Change of use of flat to short-term let accommodation with maximum occupancy of 2 people
Application Ref:	250842/DPP
Application Type:	Detailed Planning Permission
Application Date:	7 August 2025
Applicant:	Mrs Camelia Ipimahi
Ward:	Torry/Ferryhill
Community Council:	Torry

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a ground floor flat within a traditional three-storey terraced tenement building containing five properties. The building has a north-west facing principal elevation that fronts onto Menzies Road, with Wellington Road set some 25 m to the west. To the rear sits a shared garden. The building is bordered by other tenement properties to the north and south. The property is accessed from a communal hallway shared with Flat A and comprises a bedroom and kitchen to the rear, a living room to the front and a central bathroom. Of the other four properties within the building, three are understood to be under mainstream residential use and one, Flat C, which spans the first floor, is in established use as a House in Multiple Occupation (HMO) property for up to five occupants.

Relevant Planning History

- None - however, flat C, which spans the first floor has an existing licence for a HMO, for up to five occupants.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the property from a residential flat to short-term let (STL) accommodation (both sui generis).

The applicant advises that the maximum occupancy for the one-bedroom STL would be two persons at any one time, with a minimum stay duration of two nights and no maximum stay limit. The property would be operated as an STL on a permanent basis. Customers of the property would have access to available on street parking out with any controlled parking zone. The supporting checklist states that cleaning would take place after each check out and that waste would be disposed of in the existing domestic communal bins.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at –

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=T0MK53BZLGY00>

- STL Checklist

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

- **ACC - Roads Development Management Team** – No objection or concerns with the proposal. The site is located in the outer-city boundary and not in a Controlled Parking Zone (CPZ). There is no parking associated with the site and none is proposed, both the current and proposed uses would have similar parking requirements. The site is near public transport and is within walking distance of the city centre, and both the train and bus station. As the premises would now be classed as a business, it should be noted that no bins can be stored on the public road and that the existing bins which are for residential use cannot be utilised, unless through agreement with Council Waste Services.
- **ACC - Waste and Recycling** – No objection. The proposed development is classified as commercial and would therefore receive a business waste collection. Customers of the STL could continue to utilise existing communal domestic general waste and recycling bins situated on-street through agreement with the Council.

External Consultees

- **Torry Community Council** – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023

- Policy D1 (Quality Placemaking)
- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Aberdeen Planning Guidance

- Short-term Lets
- Transport and Accessibility

Other National Policy and Guidance

- Scottish Government publications:
 - Circular 1/2023: Short-Term Lets and Planning
 - Short Term Lets: Business and regulatory impact assessment – November 2021
 - Scottish Government – Research into the impact of short-term lets on communities across Scotland – October 2019

EVALUATION

Key Determining Factors

The key determining factors in the assessment of this application is whether the proposed use of the property as a short-term let (STL) would adversely affect the amenity of the area – in particular the amenity of the occupants of the neighbouring mainstream residential flats within the remainder of the flatted building. This aspect of the proposed change of use, along with all other material considerations, is assessed below.

Provision of Short Term Let accommodation and impacts on character & amenity

Policy context

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Policy H1 (Residential Areas) of the ALDP states: ‘Within existing residential areas, proposals for non-residential uses will be supported if:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.’

The Council’s Short-Term Lets Aberdeen Planning Guidance (APG) sets out that the following matters will be taken into consideration in the assessment of planning applications for Short-term let accommodation with respect to their impact on character and amenity:

- Whether the property is the only or principal home of the applicant;
- If the property is a flat, what floor of the building it is located on;
- The maximum number of occupants / guests that will use the STL at any one time;
- Whether the property is to be used as an STL on a full-time or part-time basis;
- Parking arrangements;
- Anticipated turnover of guests / length and frequency of stays;
- Arrangements for the storage and collection of waste from the property.
- How many other properties the STL shares an access and / or communal areas with;
- Details of any communal amenities and / or external amenity space that the property has access to; and,
- Character of the surrounding area, including existing uses.

Impact on amenity of the residents

The qualities of successful places referred to in Policy 14 (Design, Quality and Place) of NPF4 seeks development to support the prioritisation of women’s safety and improving physical and mental health. Policy D1 (Quality Placemaking) of the ALDP seeks development to be safe and

pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy and in terms of noise.

The property shares an entrance door and stairwell with three residential flats and a HMO unit. The ground floor has a residential flat located opposite the application dwelling, the first floor accommodates an HMO property which spans the floor, and two residential dwellings are located on the top floor. There is a shared garden to the rear, which serves the block. The change of use from a flat to STL accommodation could result in increased harm to the amenity of the neighbouring dwellings beyond that which would typically be expected from a property in mainstream residential use if the impact from the following issues would be significant:

- The potential for noise transmission from customer activities within the property through the floor, ceiling and walls, in the communal stairwell and shared garden, particularly in the quiet and sensitive late evening and early morning periods – especially if used as a ‘party flat’.
- The potential for the disturbance of privacy and the impact on safety and security, whether actual or perceived, resulting from the use of the property by transient persons unknown to the permanent residents of the adjacent flats.

The Short Term Lets Aberdeen Planning Guidance also states:

‘Where a proposal relates to the use of a flat as an STL, the Council will have particular regard to the presence of any existing STLs within the building and their total occupancy levels. This is because the presence of multiple STLs within a tenement or block of flats is likely to have a greater effect on the amenity of other residents through cumulative impacts. When assessing cumulative impacts for proposals relating to the use of a flat as an STL, account will also be taken of any existing Houses in Multiple Occupation (HMOs) within the building and their total occupancy levels. If it is considered that the introduction of a further STL into a building which contains an existing STL/HMO or STLs/HMOs would result in unacceptable cumulative impacts on the amenity of other residents, planning permission will be refused.’

As such, the impact on amenity takes into account the cumulative impact as a result of both the proposed STL and the existing HMO in the building on the remaining residential flats.

In itself, the proposed STL is fairly small sized, c. 40sqm floorspace one bedroom flat with a stated maximum occupancy of two people at any one time, and a minimum stay of two nights. However, noting the existing HMO property on the first floor, what needs to be considered is the cumulative impact the proposed STL combined with the existing HMO property would have on the permanent residents of the building. Traditionally, a building of this type, would typically allow for low number of occupants in each flat (likely to be two persons per flat).

The existing HMO property allows for five unrelated non-permanent occupants within the building, whilst this is existing, the addition of an STL property, would increase this to seven individuals. This would allow for a greater number of unrelated, non-permanent individuals within the building than those of permanent residence, which is likely to be no more than six persons (up to two people per remaining three flats). Further to this, owing to the nature of the STL, there would also be cleaners attending after each stay, further increasing the comings and goings of the building. The cumulative impact of seven transient guests, combined with ad-hoc cleaners attending, would significantly increase the number of individuals utilising the communal area of the building, particularly the entrance hallway and also the rear garden for those staying in both properties.

The activity from such a number of transient residents/guests would be likely to result in significant levels of noise transference to the other residential dwellings. This would be particularly impactful on the Ground Floor Left (Flat A), as there would be a HMO property directly above it and an STL directly across from it on the ground floor, increasing the impact of noise and disturbance and adversely impacting the amenity afforded to the permanent occupant(s). The change of use would thus increase the existing number of transient residents/guests from five to seven, therefore, further impacting the amenity afforded to the neighbouring residential flats in terms of noise emissions.

In terms of the potential for the disturbance of privacy and the perceived impact on security, and particularly in the context of supporting the prioritisation of women's safety, whilst the proposed STL would have a total of two occupants, the combined impact of seven unrelated, non-permanent, individuals utilising the communal areas would increase the level of movement and noise within these areas and would adversely impact on the sense of security and safety for those in permanent residence, given the possible numbers at any one time in the context of a flatted building; introducing a total of seven unknown transient persons where each of the other flats in the building would be expected to accommodate only one or two permanent residents.

The proposed change of use of the property from a residential flat to STL accommodation with a maximum occupancy of two people, owing to the presence of a five person HMO on the first floor, would conflict with, or could cause nuisance to, the enjoyment of existing residential amenity. The proposal thus conflicts with Policies 14 and 30(e)(i) of NPF4 and D1 and H1 of the ALDP and the Short-term Lets Aberdeen Planning Guidance.

Impact on Character of the Neighbourhood or Area

In terms of Paragraph e) i. of Policy 30, the area around the property is predominantly residential in character and is zoned as such in the ALDP. However, the property is located some 500 m south-east of the Torry Town Centre, with Wellington Road located 25 mm to the west, providing routes into the City Centre. Furthermore, the property is in close proximity to a bridge leading to the city centre, as well as mixed use areas and business zones. Therefore, although the east side of the bridge is predominantly residential, a certain level of noise can be expected from heavy traffic using Wellington Road, and Menzies Road is therefore not as quiet as other areas within the residential area as you move towards the centre of Torry. The proposed change of use would result in an increase in the comings and goings from the property by up to two guests, as well as cleaners. The increase in comings and goings from the proposal individually, and cumulatively alongside the existing HMO in the block, would not have a significant impact on the wider residential character of Menzies Road. However, as above, the proposal would have a significant adverse impact afforded to the amenity of the residential flats in the building.

Provision of short-term let tourist accommodation and local economic benefits

The use of the property as an STL offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may be staying in the city for several weeks. The Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states:

'Short-term lets make an important contribution to the tourist economy because they can:

- a) *offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*

- b) *offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) *offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) *provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).'*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of the application property as an STL, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property by tourists and/or business travellers it is envisaged that customers of the property would be likely to spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is backed up in general terms by the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' publication, produced in October 2019, which states in Key Findings - Chapter 5:

'The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.'

Further to this, Policy VC2 (Tourism and Culture) of the ALDP supports proposals for visitor facilities capable of strengthening the appeal and attraction of Aberdeen to a wide variety of visitors. Proposals should complement existing facilities and be sequentially located in the city centre. Whilst it is recognised that the proposal is not located in the city centre, it is acknowledged that the site is located some 300 m to the city centre boundary, and a 15 minute walk to the train station and a 20 minute walk to the city centre. Menzies Road also sits on a main bus route leading to the city centre. Acknowledging its sustainable location and accessibility from the city centre, the small scale of the proposal and there are currently few properties in and/or proposed to be in STL use in the area, on balance, the tension with Policy VC2 (Tourism and Culture) of the ALDP would not be to a degree that constitutes a reason to refuse. This is because it would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree.

Housing

Although housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the amount of STL's in Aberdeen, as is experienced elsewhere in Scotland (for example Edinburgh and the Highlands & Islands in particular), therefore it is considered that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need – ensuring that the proposals are generally compliant with the aims of Policy 30(e)(ii) of NPF4.

The Aberdeen City Council Communities, Housing and Public Protection Committee declared a housing emergency in Aberdeen on 5 September 2024, with an action instructed to commit to the creation of a Housing Emergency Action Plan to develop solutions to resolve it. To date, there has been no revision to the Short-Term Lets APG following this declaration. There is no guidance within the declaration itself regarding its application in relation to the change of use of existing mainstream residential properties to STLs, nor has any been any issued at the time of writing. Furthermore, there is no guidance regarding if the forthcoming action plan would have any implications on such proposals. Because of this, at the time of the determination of this application, minimal weight can be placed on the declaration relative to the other material planning considerations, notably the Development Plan and the adopted APG.

However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process. In relation to the duration of planning permissions for short-term lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).

As such, had the planning authority been minded to grant planning permission, to prevent the loss of a housing unit on a permanent basis, it would have been necessary to grant planning permission for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments. This would have been to:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of the property’s use as an STL at the time of any further planning application.

Transport and Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP all promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options.

The application property is situated in a residential area which is 300 m from the city centre boundary and an approximately 20 minute walk to Union Street (1.6 km in distance) via a direct route along the A956 and South College Street. Although it would be possible to walk into the centre, the property sits close to a bus route into the centre which would provide sufficient alternative public transport. Guests would be able to use available on-street parking and it is considered that the proposed STL use would likely generate a similar level of car parking demand as the existing residential use. Whilst overspill parking from this property may be possible in unrestricted parking areas on streets in the vicinity, this could also occur should visitors to permanent residents choose neighbouring streets to park, or residents from further afield themselves choose to avoid parking fees by parking elsewhere. As such, the impact through displacement parking is not likely to be significantly higher than the current level and would not be a reason for refusal.

The proposal would thus have a negligible impact on parking provision in the area and the local transport network. The ACC Roads Development Management Team has raised no concerns. The proposal therefore complies with Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) and T3 (Parking) of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy 5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. Although the property would be a business and would therefore not pay Council Tax, the Council's Waste and Recycling Service has advised that the customers of the STL could utilise the existing domestic general waste and recycling bins, via on-street bins on Menzies Road, until commercial status can be determined. This arrangement could be continued if entered into an agreement with the Council. The applicant could fulfil commercial waste requirements by paying a financial contribution towards the collection of the waste via a business waste contract with the Council, in lieu of not paying Council Tax. The applicant has indicated that any waste generated from the property will be managed by the cleaning contractor after each guest stay. Therefore, waste and recyclables generated by customers of the property can be adequately stored and collected, in accordance with Policies 12 of NPF4 and R5 of the ALDP.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals. Therefore the proposals are compliant with Policies 1 and 2 of NPF4. The proposed development would be wholly internal, small-scale and does not offer the opportunity for any biodiversity gain and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 of NPF4.

DECISION

Refuse

REASON FOR DECISION

The change of use to short term let accommodation with a maximum occupancy of two people, when combined with the existing house in multiple occupation (HMO) property that accommodates five people, would have a significant cumulative adverse impact on the amenity afforded to the neighbouring residential flats in the building in terms of noise, disturbance, as well as adversely affecting actual or perceived safety and sense of security, with consideration for the prioritisation of protecting women's safety. These impacts would cumulatively be exacerbated because Flat C, 103 Menzies Road, which spans the first floor, is already in use as a HMO property, the addition of two further transient people would exacerbate this in terms of the total number of unrelated, non-permanent/transient persons in the building. This would be particularly impactful on the flat on the ground floor, Flat A, 103 Menzies Road, which would have a short term let unit across from it and

a HMO property directly above it. The proposal therefore conflicts with Policies 14 (Design, Quality and Place) and Policy 30 (Tourism) of National Planning Framework 4, H1 (Residential Areas) and D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023, and the Short-Term Lets Aberdeen Planning Guidance. There are no material considerations that would justify approval.



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100720480-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

I am applying for planning permission due to change of use of my property, from residential, to short term let

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="CAMELIA"/>	Building Number:	<input type="text" value="41"/>
Last Name: *	<input type="text" value="IPIMAH I"/>	Address 1 (Street): *	<input type="text" value="Covenanters Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB125AA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="FLAT 2"/>
Address 2:	<input type="text" value="103 MENZIES ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB11 9AN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804844"/>	Easting	<input type="text" value="394449"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

41.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

residential property

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

household waste only, to be discarded appropriately in bins provided

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr REMUS IULIAN IPIMAH

Address:

Aberdeen, 41, COVENANTERS DRIVE, ABERDEEN, AB12 5AA

Date of Service of Notice: *

06/08/2025

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Mrs CAMELIA IPIMAH

On behalf of:

Date: 07/08/2025

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mrs CAMELIA IPIMAH I

Declaration Date: 07/08/2025

Payment Details

Online payment: ABSP00012227

Payment date: 07/08/2025 13:10:00

Created: 07/08/2025 13:10



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mrs Camelia Ipimahi
41 Covenanters Drive
Aberdeen
AB125AA

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	250842/DPP
Address of Development	Flat B 103 Menzies Road Aberdeen AB11 9AN
Description of Development	Change of use of flat to short-term let accommodation with maximum occupancy of 2 people
Date of Decision	6 October 2025

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows –

The change of use to short term let accommodation with a maximum occupancy of two people, when combined with the existing house in multiple occupation (HMO) property that accommodates five people, would have a significant cumulative adverse impact on the amenity

afforded to the neighbouring residential flats in the building in terms of noise, disturbance, as well as adversely affecting actual or perceived safety and sense of security, with consideration for the prioritisation of protecting women's safety. These impacts would cumulatively be exacerbated because Flat C, 103 Menzies Road, which spans the first floor, is already in use as a HMO property, the addition of two further transient people would exacerbate this in terms of the total number of unrelated, non-permanent/transient persons in the building. This would be particularly impactful on the flat on the ground floor, Flat A, 103 Menzies Road, which would have a short term let unit across from it and a HMO property directly above it. The proposal therefore conflicts with Policies 14 (Design, Quality and Place) and Policy 30 (Tourism) of National Planning Framework 4, H1 (Residential Areas) and D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023, and the Short-Term Lets Aberdeen Planning Guidance. There are no material considerations that would justify approval.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

2383-MRT-01-XX-LD-A-06001
250842DPP - 103

Location Plan
Floor Plan
STL Checklist

Signed on behalf of the planning authority

A handwritten signature in cursive script that reads "Daniel Lewis".

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 250842/DPP

Application Summary

Application Number: 250842/DPP

Address: Flat B 103 Menzies Road Aberdeen AB11 9AN

Proposal: Change of use of flat to short-term let accommodation with maximum occupancy of 2 people

Case Officer: Jennifer Keohane

Consultee Details

Name: Mr Jack Penman

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this proposal is for a change of use of flat to short-term let accommodation with maximum occupancy of 2 people at Flat B, 103 Menzies Road, Aberdeen, AB11 9AN.

The site is in the outer city boundary and not in a CPZ.

There is no parking currently associated with this site and none is proposed. This is acceptable to Roads. The current use and proposed use will likely generate similar parking requirements.

The site is near public transport stops and is within walking distance of the city centre and both the train and bus stations.

I note the applicant has stated they will use the existing on street bins. An agreement with waste would be required to do so. No business bins would be permitted to be stored on the public footway.

I can confirm that Roads have no objection to this proposal.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Jennifer Keohane	To: ACC - Waste And Recycling
E-mail: JKeohane@aberdeencity.gov.uk	Date Sent: 13 August 2025
Tel.: 01224 067110	Respond by: 3 September 2025
Application Type: Detailed Planning Permission	
Application Address: Flat B 103 Menzies Road Aberdeen AB11 9AN	
Proposal Description: Change of use of flat to short-term let accommodation with maximum occupancy of 2 people	
Application Reference: 250842/DPP	
Consultation Reference: DC/ACC/T0X7DVBZ03U02	

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application. **Response**

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	Y
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

COMMENTS

Site Specific comments:

- To make use of current bins until commercial status can be determined.

See below for general comments:

- Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document: http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at https://www.aberdeencity.gov.uk/sites/default/files/2024-05/APG%20Waste%20Management%20Requirements%20for%20New%20Developments_0.pdf

Responding Officer: J Talaga

Date: 13th of August 2025

Email: wasteplanning@aberdeencity.gov.uk



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 053746 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100731201-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="CAMELIA"/>	Building Number:	<input type="text" value="41"/>
Last Name: *	<input type="text" value="IPIMAH"/>	Address 1 (Street): *	<input type="text" value="Covenanters Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB125AA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

FLAT B

Address 2:

103 MENZIES ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 9AN

Please identify/describe the location of the site or sites

Northing

804844

Easting

394449

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

I have applied for planning permission due to change of use of my property, from residential, to short term let. Planning permission Application Reference Number: 100720480 This was refused. Decision Application Reference Number: 250842/DPP. I now wish to apply for a review of this decision.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

I have attached my statement (statement Camelia Ipimahi) relaying all the relevant matters which should be considered as part of this review, thank you for your consideration. Address of Development: Flat B, 103 Menzies Road, AB11 9AN Planning Permission Application Reference Number: 100720480 Date of application submitted: 07/08/2025 Decision application Reference Number: 250842/DPP Date of Decision: 06 October 2025

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Floor Plan Title Plan Checklist Decision of refusal Statement Camelia Ipimahi Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

100720480-001

What date was the application submitted to the planning authority? *

07/08/2025

What date was the decision issued by the planning authority? *

06/10/2025

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs CAMELIA IPIMAH I

Declaration Date: 04/01/2026

Payment Details

Online payment: ABSP00012611

Payment date: 04/01/2026 23:54:00

Created: 04/01/2026 23:54

Address of Development: Flat B, 103 Menzies Road, AB11 9AN

Planning Permission Application Reference Number: 100720480

Date of application submitted: 07/08/2025

Decision application Reference Number: 250842/DPP

Date of Decision: 06 October 2025

To whom it may concern,

Thank you for considering my application. While I understand the implications considered which led to the planning authority refusing my application, these do not apply on this particular case, as I describe below.

Since taking ownership of the property, I have made every effort to improve the current living conditions of all residents. I have organized and paid for the front door to be repainted, the communal hallway to be cleaned on a monthly basis and for the back garden to be tidied and grass cut regularly. Most of the rubbish and hazardous items that were left in the back garden by previous tenants in the building have also been removed and discarded with owners approval.

I have also organized and arranged for the communal front door lock to be repaired, to which all owners happily contributed, thus increasing the security of all residents. The other owners have confirmed that while previously, there had been cases of rough sleepers being ejected from the building and others being caught urinating in the rear garden, these are now things of the past and "we are where we are, which is a better place than before due to your excellent management", as the [REDACTED] owner of [REDACTED] flat put it.

All of the other owners and residents in the block are happy for me to register my flat as a short term let and conduct business as such. Particularly, the owner of the [REDACTED] flat, which is thought to bear the most impact of this decision, supports my application to be approved and can be contacted to confirm this via telephone or email at details below. Details of the other owners can be provided upon request so they too can confirm their support.

[REDACTED]
[REDACTED] owns the opposite flat [REDACTED] and resides here whenever his work keeps him in Aberdeen, as his main residence is [REDACTED]. He has been affected by long term tenants' negative behaviour in the past from the neighbouring flats and admits it was very challenging to accept that the permanent tenants are there to stay and will continue to cause issues indefinitely. He is comforted by the thought of short term residents and feels this is the safer option.

I would also like to add that myself and my family have lived in Torry for over ten years and while we are aware of the bad fame the neighbourhood has, I do not find this to be true and have always been an ambassador of the area and worked towards making it a better place. While it may sound cliché, sometimes all it needs is a woman's touch, and while I may not be

able to have a positive impact on the whole area, I can at least make some positive changes in this block of flats.

My flat in question, which I intend to rent as a short term let, is a small one bedroom flat. Typically, the people who would be renting would either be individuals or at most couples, hence the traffic would be as low as possible. Guests would also enter and exit from the front door which is next to the flat and would not cause any disturbance to upper floor residents. I would also manage the property myself so would have a very close contact with guests and arrange everything before, during and after each stay. This allows a great deal of control over which booking is accepted and ensuring no anti-social behaviours are being conducted. Guests are also met in person at check out and all steps will be taken to maintain the security of the residents and building.

I hope the review team will take all this information into consideration and make a decision based on the actual circumstances and not the “what ifs” of the situation. I am fortunate to have the support of my neighbours and we all kindly ask that you rule in our favour.

Kind regards,

CAMELIA IPIMAHU

103B Walker Road, AB11 9AN



Short Term Let Accommodation

Planning Supporting Information Checklist



**Property Address and Floor Level: 103 Menzies Road, FLAT B ,
Ground Floor Right, AB11 9AN**

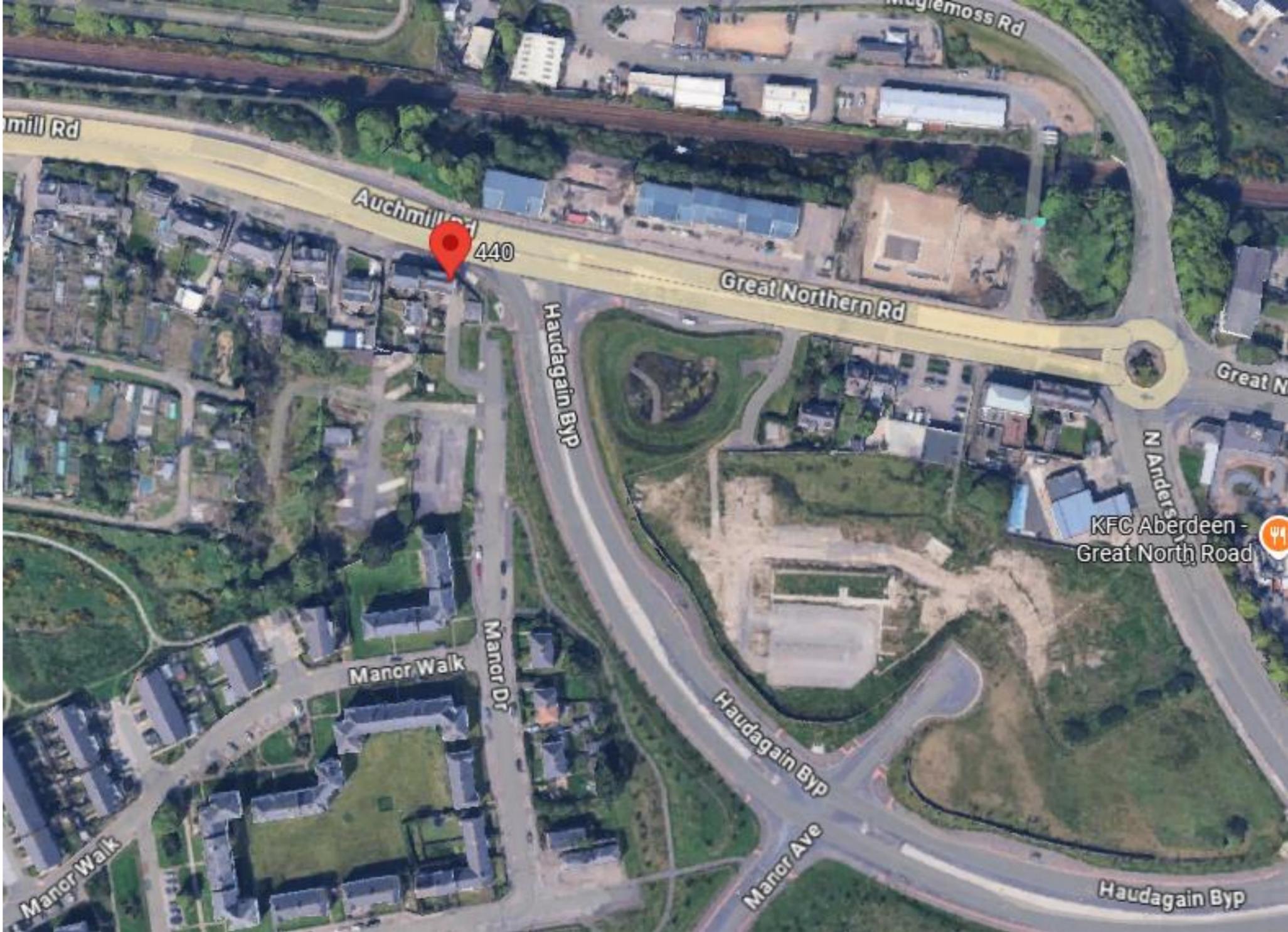
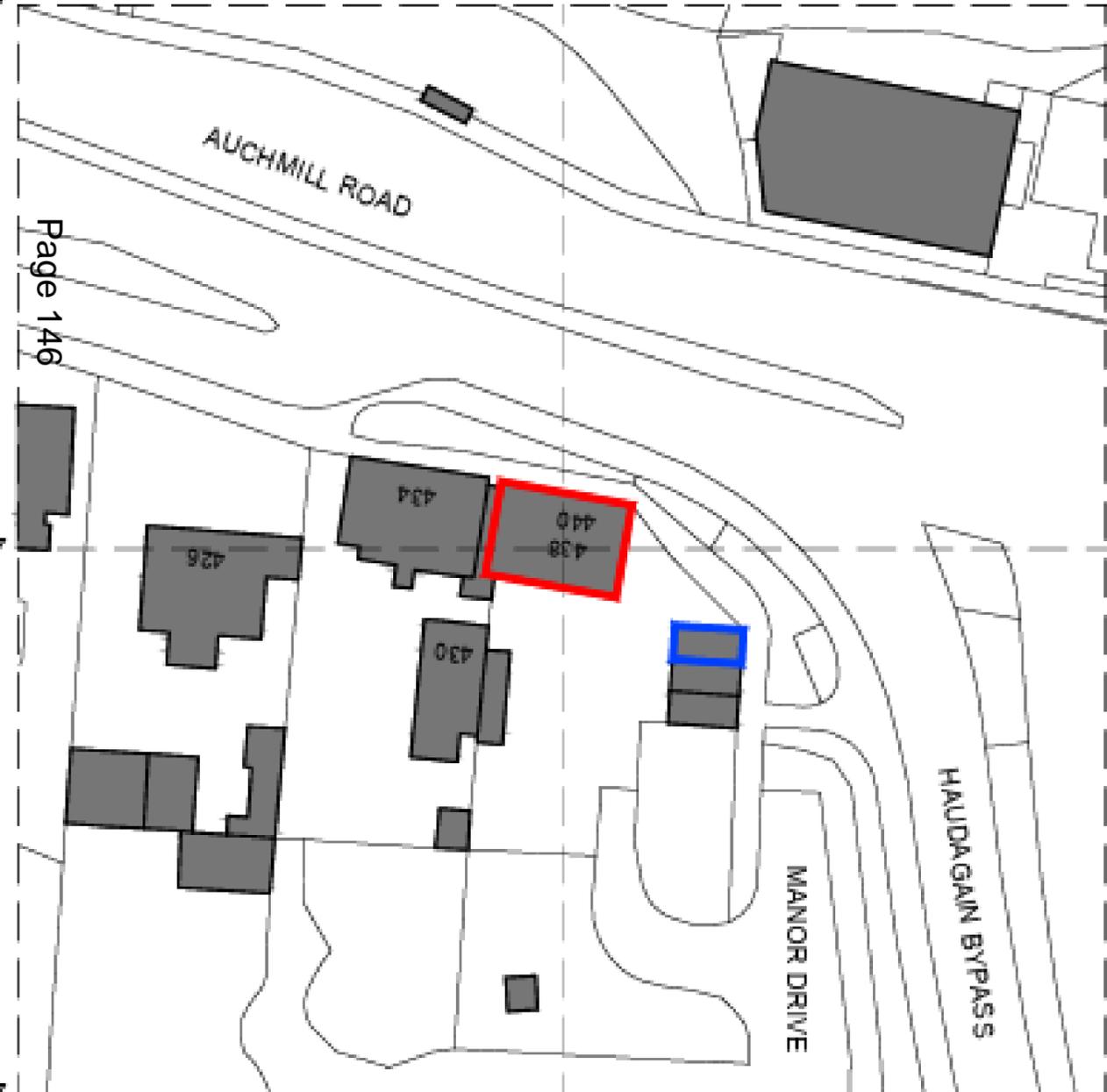
What is the maximum number of occupants that would be allowed to stay in the property?	2
How many bedrooms and beds would there be?	1
What is the minimum duration of stays for customers? Please also state the maximum duration of stay, if applicable.	2 nights 30 days
Would there be any car parking available for customers? If yes, how many spaces and what type? (i.e. dedicated off-street space, on-street etc)	On street parking
Would the property be in use as a Short Term Let (STL) on a permanent basis, or would it only be available to hire for certain periods of the year only? If not permanent, please provide further details	Permanent
What would the check-in and check-out times be and would customers be met or would they collect the keys from a key box or similar?	Check out 11:00 AM Check in 3:00 PM Keybox
Please advise what the arrangements would be, including frequency, for cleaning the property and how would waste be disposed of?	Cleaning company hired for cleaning after each check out. Household waste and recycling to be disposed in the communal bins provided outside
Does the property share a communal access with any other properties and if so, how many?	4
Does the property have access to any communal amenities, including garden ground or roof terraces? If so, provide details	Communal back garden
If known, how many other properties in the building are currently in use as Short Term Let accommodation?	None
If the application seeks permission retrospectively, how long has the property been in use as Short Term Let accommodation? Please provide any existing online links to view & book the accommodation, if available:	N/A

Local Review Body (LRB) 16 February 2026

**250701/DPP - Attic flat, 440 Auchmill Road, Aberdeen
Change of use of flat to Short Term Let accommodation with
maximum occupancy of 4 people**

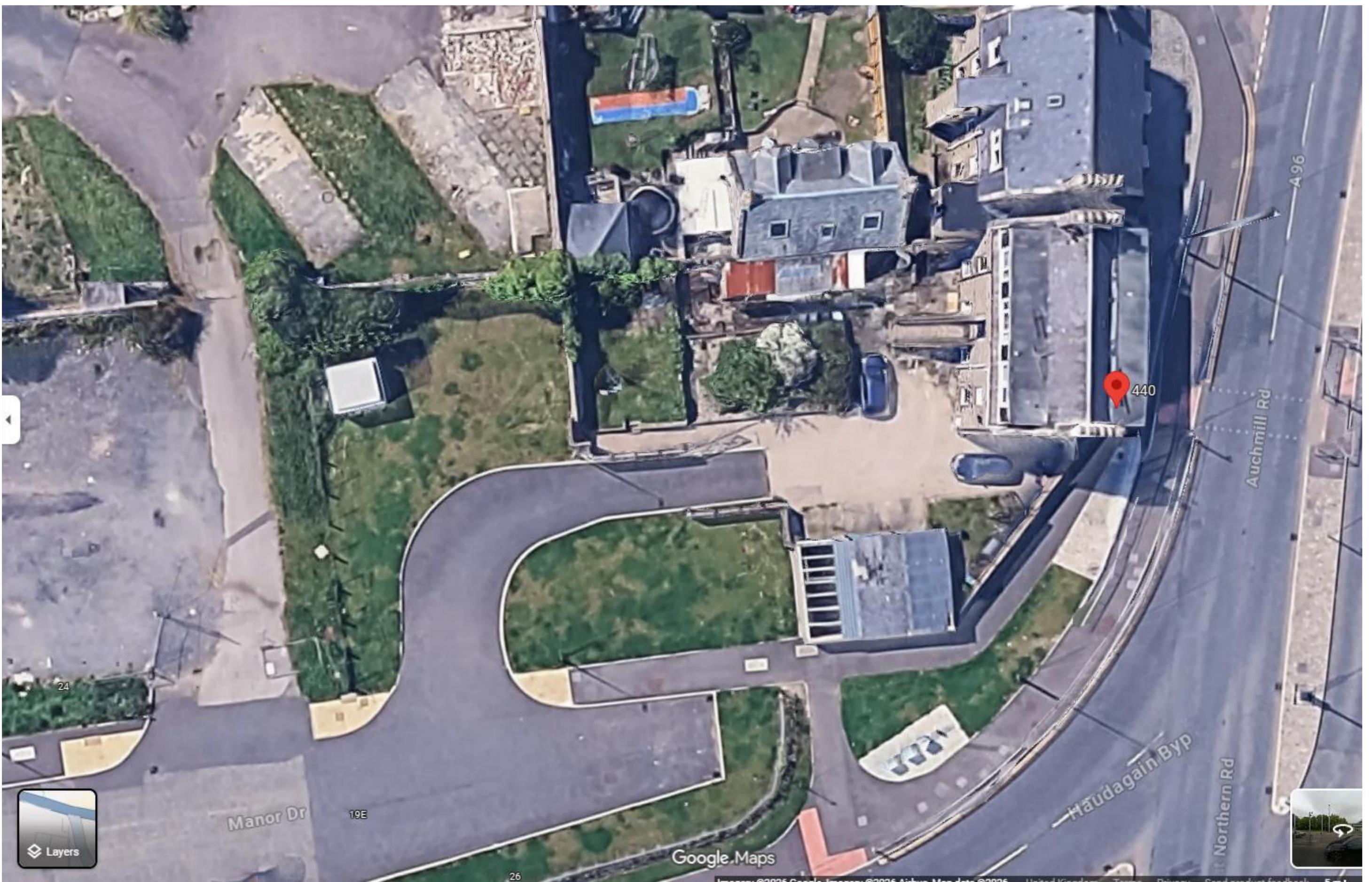
Lucy Greene, Planning Advisor

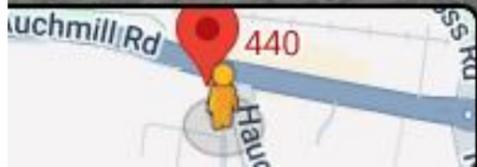
Location Plan

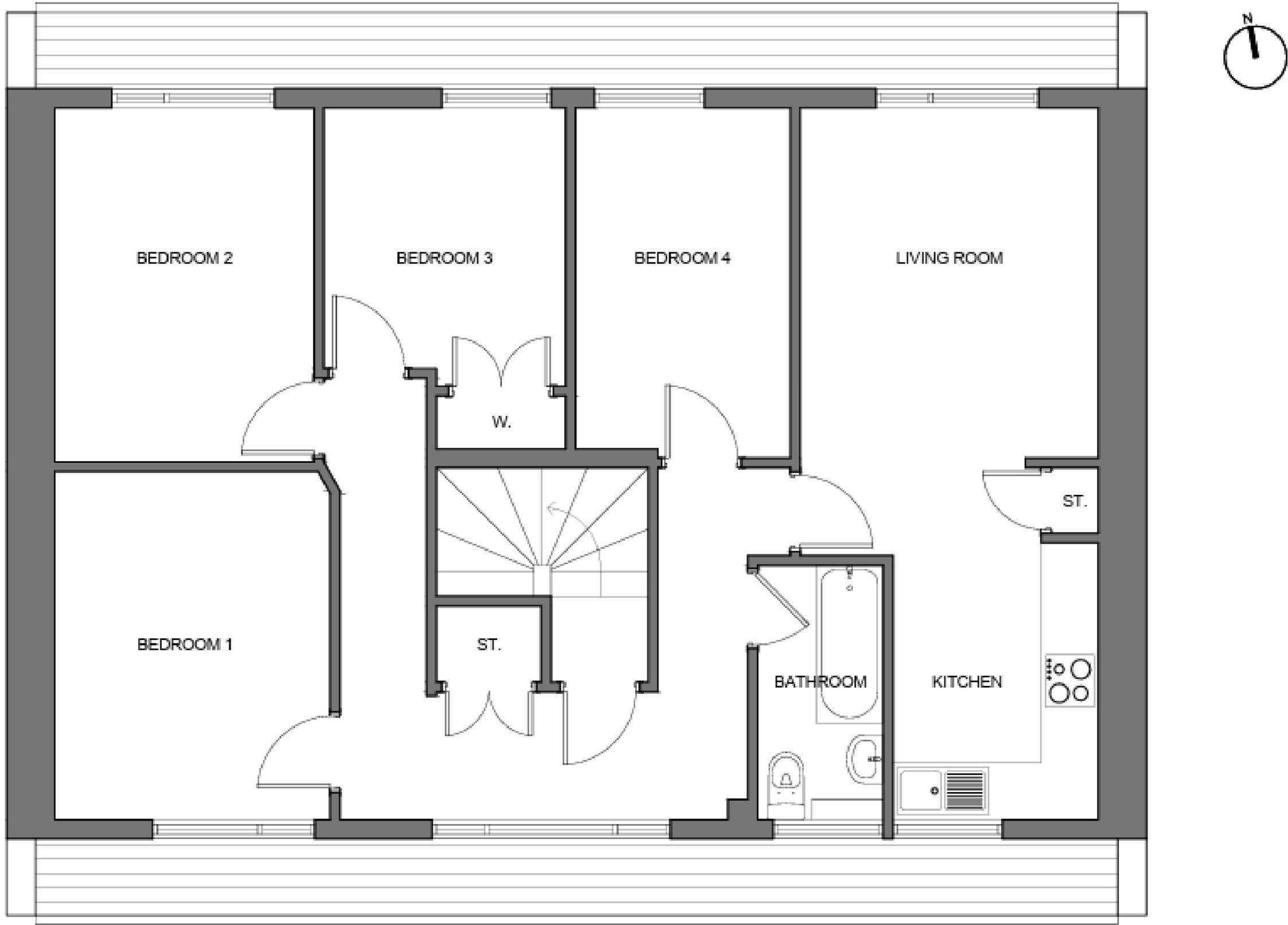




Google Maps







PROPOSED ATTIC FLOOR PLAN

Reasons for Decision:

- Adverse impact on amenity of occupants of other flats, due to shared access. Sense of security, other flats being relatively smaller. Comings and goings from STL. Impact on quiet residential character, with increased noise compared to main-stream flat.
Conflict with policies H1 (Residential Areas), D1 (Quality Placemaking) and 14 (Design, Quality and Place)
- Residential area, not close to city centre, nearest tourist attraction (TECA) is 3km. Conflicts with Policy VC2 (Tourism & Culture) would undermine strategy to direct visitors to city centre.
- Economic benefits to tourism and hospitality do not outweigh loss of residential amenity. Does not comply with Policy 30 (Tourism)

Applicant's Case, summarised as follows:

- Area is busy and mixed in character – lists commercial uses – and on busy road
- Many amenities – food shops, post office, car rental
- Good bus links
- Well located for TECA, airport, industrial estates and main routes inc AWPR
- Refers to STL granted pp on Grt Northern Rd and others with licences nearby
- Licence for STL is conditional on taking steps to reduce impact on neighbours
- Case officer acknowledges no impact on area due to its mixed nature – impact is only on other residents
- Impact of noise and disturbance is subjective
- Occupancy of 4 would be the same as a mainstream flat – comings and goings would not be greater
- Tourists of business people likely to be out during day. Many bookings are several weeks – 70% are professionals – and may prefer out of centre
- Neighbours would be able to report disturbance to management

NPF4 Policies:

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 12: Zero Waste
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 30 (Tourism)

NPF4: Policy 1: Tackling the Climate and nature crises

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy Outcomes:

- Zero carbon, nature positive places.

Policy 2: Climate mitigation & adaptation

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy Outcomes:

- Emissions from development are minimised; and
- Our places are more resilient to climate change impacts.

Policy 2

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 12

Zero waste

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

Policy Outcomes:

- The reduction and reuse of materials in construction is prioritised.
- Infrastructure for zero waste and to develop Scotland's circular economy is delivered in appropriate locations.

- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

Policy 13

Sustainable transport

Policy Principles

Policy Intent:

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy Outcomes:

- Investment in transport infrastructure supports connectivity and reflects place-based approaches and local living.
- More, better, safer and more inclusive active and sustainable travel opportunities.
- Developments are in locations which support sustainable travel.

- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
 - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii. Will be accessible by public transport, ideally supporting the use of existing services;

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Tourism policies: **Policy 30**

NPF4 – Policy 30

Policy Intent:

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.

Policy Outcomes:

- Communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.

- a) Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported.
- b) Proposals for tourism related development will take into account:
 - i. The contribution made to the local economy;
 - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
 - iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
 - iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
 - v. Accessibility for disabled people;
 - vi. Measures taken to minimise carbon emissions;
 - vii. Opportunities to provide access to the natural environment.

- e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
 - i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

LDP Policies:

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy VC2 (Tourism and Culture)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- APGs: Short Term Lets

Transport and Accessibility

Local Development Plan 2023

Policy H1 – Residential Areas

Within existing residential areas, proposals for non-residential uses will be supported if:

1. they are considered complementary to residential use; or
2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Policy VC2: Tourism and Culture

Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.

Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.

Policy R5 – Waste Management Requirements for New Development

All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

Local Development Plan 2023

Policy D1 – Quality Placemaking

All development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

Proposals are required to ensure:

- quality architecture, craftsmanship and materials;
- a well considered layout, including biodiverse open space, high quality public realm and landscape design;
- a range of sustainable transportation opportunities ensuring connectivity commensurate with the scale and character of the development.

Successful places will sustain and enhance the social, economic, environmental, wellbeing and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities.

- distinctive
- welcoming
- safe and pleasant
- easy to move around
- adaptable
- resource efficient

Safe and Pleasant

- designed with pedestrian movement as the priority
- avoids unacceptable impacts on adjoining uses, including noise, smell, vibration, dust, air quality, invasion of privacy and overshadowing
- enables natural surveillance of public spaces through active frontages and does not create spaces which are unsafe or likely to encourage or facilitate crime
- distinguishes between private and public space
- inclusive in its design and creates accessible environments

Local Development Plan 2023

Policy T2 – Sustainable Transport

Proportionate to the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated. New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, wheeling, cycling and public transport. Proposals should be designed to allow for public transport penetration which should be available within 400 metres from the centre of the development.

Policy T3 – Parking

Inner and Outer City

In inner city areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. Where this is not possible, development shall be required to comply with the parking standards set out in Aberdeen Planning Guidance: Transport and Accessibility. Low car development is encouraged within conservation areas.

Short Term Lets APG

- *If the property is a flat, what floor of the building it is located on;*
- *The maximum number of occupants / guests that will use the STL at any one time;*
- *Whether the property is to be used as an STL on a full-time or part-time basis;*
- *Parking arrangements;*
- *Anticipated turnover of guests / length and frequency of stays;*
- *Arrangements for the storage and collection of waste from the property.*
- *How many other properties the STL shares an access and / or communal areas with;*
- *Details of any communal amenities and / or external amenity space that the property has access to; and,*
- *Character of the surrounding area, including existing uses*

Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states:

'Short-term lets make an important contribution to the tourist economy because they can:

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b) offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).'*

Social Costs: (page 18)

- a) increased costs of housing (renting or purchase) for local people;*
- b) the supply of local amenities for residents may decrease if there are not enough residents to make these amenities financially viable;*
- c) the quality of the neighbourhood and sense of community can be adversely affected if residents feel less safe because of the high concentration of short-term lets or if residents have fewer permanent neighbours;*
- d) specific nuisance such as through noise, littering and other forms of antisocial behaviour; and*
- e) use of short-term let accommodation for criminal enterprises (such drug dealing, sex trafficking etc.), with or without the collusion of the host.*

Circular 1/2023: Short Term Lets and Planning

- Refers to Policy 30 in NPF4 - tourism
- Balance against wider policy objectives
- Planning Authorities may grant for limited time

SG Research findings: most common positive impact of STLs is local economic impact associated with tourism.

<https://www.gov.scot/publications/research-impact-short-term-lets-communities-scotland/>

Evaluation

- **Primacy of Development Plan**
- **The Planning Act requires all applications to be determined in accordance with Development Plan unless material considerations indicate otherwise**
- **Careful assessment, each application treated on its merits**

Basis for Decision

Zoning: Residential Areas (H1)

Would there be harm to residential amenity of neighbours (Policy H1 and Policy 30)

Appropriateness of location for Short Term Let (VC2)

Impact on local economy (Policy 30 and VC2)

1. Does the proposal comply with the Development Plan when considered as a whole?

2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?

Decision – state clear reasons for decision

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Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	Attic Floor Flat, 440 Auchmill Road, Aberdeen AB21 9NN
Application Description:	Change of use of flat to short-term let accommodation with maximum occupancy of 4 people
Application Ref:	250701/DPP
Application Type:	Detailed Planning Permission
Application Date:	7 July 2025
Applicant:	Sparks Homes Aberdeen Ltd
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Bucksburn And Newhills

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a top (second) floor flat within a 2.5-storey tenement building on the corner of the junction of Auchmill Road, Great Northern Road and Haudagain Bypass, with a north-facing principal elevation fronting onto Auchmill Road, directly onto the pavement. Residential properties bound the site to the west and south. The site is accessed from the south from Manor Drive, with a driveway leading into the rear of the site. The building accommodates four flatted properties. One is located on the ground floor, accessed via the front door from Auchmill Road. Two flats sit at first floor level and one is on the second floor, all of which are accessed from the rear curtilage through a communal door at first floor level, which is accessed using external stairs. The rear curtilage largely comprises an area of hardstanding for parking, with sheds along the western boundary and garage outbuildings along the eastern boundary. The communal garden comprises an area of grass set c. 16 m south of the building and a smaller area in the northeast corner of the site with a bench. The application property has a floor area of c. 80 sqm and comprises four bedrooms, a bathroom and a living room/kitchen. The other properties in the building are understood to be in permanent residential use and there are no properties in the building (or this post code) licensed as either a short-term let or a house in multiple occupation. A building warrant was approved (ref. 250475) in August 2025 to reduce the size of the living room to introduce an additional bedroom, taking it from a three to a four bedroom property.

Relevant Planning History

- None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the proposed change of use of the property from a residential flat to short-term let (STL) accommodation (both sui generis) with a maximum occupancy to be for four persons at any one time with a minimum stay of three nights and no maximum stay limit. The property would be operated as a STL on a permanent basis. Customers of the property would have access to an allocated private parking space within the site. Cleaning would be undertaken after check outs. Waste storage and collection arrangements have not been specified.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at –

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SYTTOSBZKH400>

- STL Checklist

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

- **ACC - Roads Development Management Team** – No objection or concerns with the proposal. The site is located in the outer-city and outwith any area of controlled parking measures. The site is well served in terms of public transport in and out of the city centre. There is provision for one parking space to the rear and no scope for indiscriminate parking on Auchmill Road. No bins can be stored on the public road.
- **ACC - Waste and Recycling** – No objection. The proposed development is classified as commercial and would therefore receive a business waste collection. Customers of the STL could continue to utilise existing communal domestic general waste and recycling bins situated on-street through agreement with the Council. Further information regarding business waste requirements is included for the applicant to be aware of.

External Consultees

- **Bucksburn and Newhills Community Council** – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023

- Policy D1 (Quality Placemaking)
- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Aberdeen Planning Guidance

- Short-term Lets
- Transport and Accessibility

Other National Policy and Guidance

- Scottish Government publications:
 - Circular 1/2023: Short-Term Lets and Planning
 - Short Term Lets: Business and regulatory impact assessment – November 2021
 - Scottish Government – Research into the impact of short-term lets on communities across Scotland – October 2019

EVALUATION

Key Determining Factors

The key determining factors in the assessment of this application is whether the proposed use of the property as a short-term let (STL) would adversely affect the amenity of the area – in particular the amenity of the occupants of the neighbouring mainstream residential flats within the remainder of the flatted building. The main consideration in the assessment of this application relates to the amenity impact from the shared entrance and vestibule with two relatively small neighbouring flats, being half the size of the application property and the impact from the use of the property sitting above these two flats, which would be used by groups of unknown transient persons. This aspect of the proposed change of use, along with all other material considerations, is assessed below.

Provision of short-term let accommodation and impacts on character and amenity

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits*

The application site is zoned on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP) as Policy H1 (Residential Areas). This policy states that within existing residential areas, proposals for non-residential uses will be supported if:

- 1. they are considered complementary to residential use; or*
- 2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.*

Impact on character and amenity of the area

The application property is situated at the edge of a residential area, surrounded by similar properties to the south and west. To the north and east, there are mixed use areas including a mix of business and industrial sites, which are separated from the site by Great Northern Road and Haudagain Bypass. As such, whilst the site is on a fairly residential street, a certain level of noise and activity can be expected from travel along Great Northern Road, given that the A96 is a main arterial road through Aberdeen and the nearby businesses are targeted for car users travelling along this road.

The use of the application property as an STL would require access by transient guests and cleaners after each visit, presenting an increase in activity and coming and goings, compared to mainstream residential use. The property comprises a sizeable c. 80 sqm four-bedroom flat which spans the entirety of the second floor and the proposed change of use would introduce a maximum of four unknown guests to the building at any one time. Given the size of the flat relative to the others sharing communal access, the increased comings and goings from guests would somewhat change the quiet residential character of this block of flats, particularly given the shared residential nature of the entrance vestibule and its location within the block, requiring guests to pass through the building to access the property.

Although the proposed use would impact on the character of the residential block of flats itself, given that the character of the area comprises a mix of uses and the extent of residential properties in the vicinity, the use of this application property as an STL, would not have a significant impact on the character of the wider area. No external alterations are proposed and therefore it is considered that the existing character of the area would be largely unaffected by the proposal. The main consideration for the determination of this application is thus the amenity impact on the immediate neighbouring properties sharing a communal entrance and access with the application property.

In terms of impacts on amenity, the qualities of successful places referred to in Policy 14 (Design, Quality and Place) of NPF4 seeks development to be designed to be healthy, through supporting the prioritisation of women's safety and improving physical and mental health. Policy D1 (Quality Placemaking) of the ALDP seeks development to be safe and pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy and in terms of noise.

The property shares an entrance vestibule with two smaller properties on the first floor via the stairs to the rear which are understood to be in use as mainstream residential flats. In general, it is considered that the change of use of properties to STL accommodation within residential flatted buildings could result in increased harm to the amenity of neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- the potential for noise from increased coming and goings via the communal entrance and stairwell due to frequent customer turnovers (check-ins and check-outs) and cleaning between occupancies;
- the potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a 'party flat';
- the potential for the disturbance of privacy and the impact on safety, whether actual or perceived, resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

The impact on amenity from the change of use to STL accommodation would arise from the detrimental impact on the safety and security, either actual or perceived, and the potential disturbance to the privacy of the occupants resulting from the property sharing a doorway and vestibule with two relatively small flats which are approximately half the size of the application property, as well as the increased probability of noise and activity level from the use of the property.

The full-time STL would be occupied solely by transient non-residents, in addition to cleaners occupying the spaces after each visit, thus presenting activity and comings and goings by frequently changing people unknown to the residents in the neighbouring flats, compared to if it were to revert to mainstream residential use. The internal communal vestibule leads from the external stairs and comprises a small area adjacent to the private doors to the neighbouring flats, with internal stairs leading up to the application property, resulting in guests passing through the building for access. As such, a larger group of up to four, frequently changing, transient persons staying on a non-residential basis would introduce an adverse impact on the amenity of this space, particularly on the sense of safety and security for the neighbouring residents, as well as potential increased noise transmissions from comings and goings from guests and cleaners. The neighbouring flats, due to their size, could be expected to be occupied by one or two permanent residents and the presence of this larger group of unknown persons would thus be more greatly felt and experienced. With respect to Policy 14 b) of NPF4, prioritisation for women's safety should

be considered where, in a case such as this, women could be living alone in one of the small properties, for whom the presence of a group of four unknown guests could introduce a greater impact on their sense of safety.

The application property comprises a large flat in the context of the tenement building, spanning the entirety of the second floor and comprises four bedrooms and a c. 21sqm living/kitchen area which would form the main social space for guests staying at the property. There is thus potential for increased noise from the use of this space by up to four adults compared to how it could be expected to be used as a permanent residence. Due to the top-floor location, when the property is in use, noise transmission would very likely be heard in the two flats below, impacting on the amenity of both remaining flats in the block.

As noted in the submitted Supporting Statement the property could be expected to be occupied by a similar number of people as used as a permanent residential property. However, as a mainstream residential flat (as opposed to an HMO which is a materially different use), this would be four persons related to each other (i.e. a family), as opposed to a group of up to four adults staying on a non-residential basis. The concern arises from the shared nature of the internal vestibule used by groups of unknown guests in the property, and the relative size of the two properties sharing this communal access, which will impact on their sense of safety and security and on the quiet residential nature of the block of flats, particularly in the context of supporting the prioritisation of women's safety and be likely to have increase noise emissions. The additional comings and goings from a group of up to four adults and cleaners would exacerbate the amenity impacts experienced for these smaller properties. There is additionally the risk, given its overall size and the proposed number of occupants visiting on a non-residential basis, that it could be used by larger groups and the greater likelihood of parties being hosted in the property, compared to its use as a mainstream residential flat of four persons related to each other (i.e. a family).

The site shares some external amenity areas including a grassed area to the rear and a section adjacent to the garage for sitting out in. The main area of grass is used as a drying green and while there is space to sit out in it, it is set back c. 16 m from the rear of the building, behind some vegetation and bushes and as such, when in use, it would likely not result in noise or privacy harm to the neighbouring properties. It is not anticipated that customers staying at the property on a short-term basis would be likely to use the outdoor communal areas for any significant periods of time and when used, it is considered that the configuration of these spaces would not result in adverse harm. The amenity impacts anticipated for the use of this property as a short term let are therefore confined to the internal use of the building.

the adverse impact on the sense of security, safety and privacy, with due consideration for the prioritisation of women's safety, whether actual or perceived, from having to share an entrance and small communal vestibule solely with the unknown transient guests and cleaners of the STL unit, as well as disturbance to the residential occupants of the neighbouring properties from the comings and goings and use of the property, would be to the detriment of their residential amenity. This is contrary to Policy 30(e)(i) of NPF4 and it has not been demonstrated that the proposal would avoid direct conflict with the adjacent land uses and amenity, in this case, the residential amenity of the neighbouring property. Therefore the proposal is also contrary to Policies 14 of NPF4, and H1 and D1 of the ALDP.

Local economic benefits from provision of short-term let tourist accommodation

The use of the property as an STL offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may be staying in the city for several weeks. The Scottish

Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states:

'Short-term lets make an important contribution to the tourist economy because they can:

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b) offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the a festival or golf tournament).'*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of the application property as an STL, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property by tourists and/or business travellers it is envisaged that customers of the property would be likely to spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is backed up in general terms by the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' publication, produced in October 2019, which states in Key Findings - Chapter 5:

'The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.'

Policy VC2 (Tourism and Culture) of the ALDP states that:

'Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.'

'Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.'

Given that the proposal would comprise a tourism facility that would not be in the city centre (sitting c. 4 km from the city centre boundary), the proposal would have tensions with Policy VC2 (Tourism and Culture) of the ALDP. There is a small neighbourhood centre 180 m to the east forming Haudagain Retail Park, mainly comprising larger drive-through fast food businesses, a couple of shops and a petrol station to accommodate drivers using the A96. The application site sits c. 3 km from TECA as a tourist hotspot, requiring to be accessed via bus or car, with more suitable alternative accommodation sitting closer to this complex. The proposal is therefore not considered to be appropriately located to support local business and amenity due to the type of services nearby which would outweigh the harm to the residential amenity of the neighbouring properties. The proposal is therefore considered to be contrary to the aims of Policy VC2 of the ALDP in that it would undermine the sequential spatial strategy to direct visitor facilities into the city centre.

Loss of Housing

Although housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the amount of STL units in Aberdeen, as is experienced elsewhere in Scotland (for example Edinburgh and the Highlands & Islands in particular), therefore it is considered that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need – ensuring that the proposals are generally compliant with the wider aims of Policy 30(e)(ii) of NPF4.

The Aberdeen City Council Communities, Housing and Public Protection Committee declared a housing emergency in Aberdeen on 5 September 2024, with an action instructed to commit to the creation of a Housing Emergency Action Plan to develop solutions to resolve it. To date, there has been no revision to the Short-Term Lets APG following this declaration. There is no guidance within the declaration itself regarding its application in relation to the change of use of existing mainstream residential properties to STLs, nor has any been any issued at the time of writing. Furthermore, there is no guidance regarding if the forthcoming action plan would have any implications on such proposals. Because of this, at the time of the determination of this application, minimal weight can be placed on the declaration relative to the other material planning considerations, notably the Development Plan and the adopted APG.

However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process.

In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).

If this application were to have been approved, the grant of planning permission for the use of the property as an STL on a permanent basis would have resulted in the permanent loss of residential accommodation in a sustainable location. As such, it would have been considered necessary in this instance to attach a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of the property’s use as an STL at the time of any further planning application.

Transport and accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP both promote and encourage the use of sustainable and active modes of travel where possible, as

opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options.

The application property is situated in the outer city and is accessible via a bus route on Great Northern Road to the airport (25 minutes) and city centre (20 minutes). It is anticipated that the majority of customers staying on a short-term basis would be tourists or business travellers, some of whom may arrive in the city by plane, train or bus. However, due to the location of this property outwith the city centre, it is considered that guests of this property would be more likely to travel by car than an STL located in the city centre or near other visitor hotspot areas, as it located outwith readily accessible and convenient local services and amenities.

The site has allocated parking to the rear for use by visiting guests and while it is not in the city centre, the property is accessible via bus routes to the city centre. The proposal is therefore generally compliant with Policy 13 of NPF4 and Policies T2 and T3 of the ALDP 2023. However, it is acknowledged that there are more appropriate locations in the city centre or near visitor demand areas for short-term let accommodation which would be more readily accessible via sustainable modes of transport, as well as more compatible with the sequential space strategy and aims of Policy VC2 of the ALDP for tourist accommodation.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. The property would be a business and would therefore not pay Council Tax, and as such commercial waste would be required for the property.

ACC - Waste and Recycling has advised that the customers of the property could utilise the existing domestic bins, subject to the applicant paying a financial contribution towards the collection of the waste, via a business waste contract with the Council, in lieu of not paying Council Tax. Therefore waste and recyclables generated by the customers of the property can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract with the Council in accordance with Policies 12 of NPF4 and R5 of the ALDP.

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals. Therefore, the proposal is compliant with Policies 1 and 2 of NPF4. The proposed development would be of a scale and nature whereby it would not offer the opportunity for any biodiversity gain.

Whilst there is some minor tension with Policy 3 of NPF4, the tension is not to a degree that constitutes a reason to refuse the application.

DECISION

Refuse

REASON FOR DECISION

The change of use of the property from a residential flat to short term let accommodation would have a significant adverse impact on the amenity of the occupants of the neighbouring residential flats. This is because the occupants of the neighbouring flats would have to share the communal entrance and vestibule solely with frequently changing transient guests and cleaners of the short term let accommodation unit, who would be unknown to them. Taking into account the small size of the vestibule, close proximity of the private entrances of each property and the small size of those flats relative to the application property, with consideration for the prioritisation of protecting women's safety, this would result in a significant adverse impact on the sense of security, safety and privacy, whether actual or perceived, of the residents of the neighbouring flats. The comings and goings of a group of up to four adults and cleaners traversing through the building and using the property would likely increase noise disturbance compared to the existing use as a mainstream residential flat. The relative size of the four-bedroom flat compared to the neighbouring flats would result in the proposed short-term let use impacting on the quiet residential character of the building and worsening the amenity impacts experienced by the occupants of the neighbouring flats, in conflict with Policies 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) and Policies D1 (Quality Placemaking) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).

The property is located in a residential area and does not offer accommodation within or close to the city centre, with the nearest tourist hotspot being TECA, located 3 kilometres to the northwest. It thus conflicts with the aims of Policy VC2 (Tourism and Culture) of the Aberdeen Local Development Plan 2023 in that it would undermine the sequential spatial strategy to direct visitor facilities into the city centre.

As such, the local economic benefits to the tourism and hospitality sectors are not considered sufficient to outweigh the loss of amenity to neighbouring residents. The proposed use is therefore contrary to Policy 30 (Tourism) of NPF4.



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100718520-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of Use of Flat to Short Term Let accommodation with Maximum Occupancy of 4 People

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Richard Dingwall Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Richard	Building Name:	
Last Name: *	Dingwall	Building Number:	583
Telephone Number: *	07709097219	Address 1 (Street): *	George Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB25 3XR
Email Address: *	richard@rdingwallarchitects.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	186
Last Name: *		Address 1 (Street): *	Market Street
Company/Organisation	SPARKS HOMES ABERDEEN LTD	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB11 5PQ
Fax Number:			
Email Address: *	richard@rdingwallarchitects.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

ATTIC FLOOR FLAT

Address 2:

440 AUCHMILL ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 9NN

Please identify/describe the location of the site or sites

Northing

809193

Easting

390964

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Officer confirmed that planning permission was required for the property to be used as a short term let.

Title:

Mr

Other title:

First Name:

Samuel

Last Name:

Smith

Correspondence Reference
Number:

Date (dd/mm/yyyy):

01/07/2025

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

77.50

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Residential Flat.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

1

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

1

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

As per existing storage and collection arrangements.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Richard Dingwall

On behalf of: SPARKS HOMES ABERDEEN LTD

Date: 03/07/2025

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * Yes N/A

A Design Statement or Design and Access Statement. * Yes N/A

A Flood Risk Assessment. * Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A

Drainage/SUDS layout. * Yes N/A

A Transport Assessment or Travel Plan Yes N/A

Contaminated Land Assessment. * Yes N/A

Habitat Survey. * Yes N/A

A Processing Agreement. * Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Richard Dingwall

Declaration Date: 03/07/2025

Payment Details

Pay Direct

Created: 03/07/2025 14:56



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Richard Dingwall
Richard Dingwall Architects
583 George Street
Aberdeen
AB25 3XR

on behalf of **Sparks Homes Aberdeen Ltd**

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	250701/DPP
Address of Development	Attic Floor Flat 440 Auchmill Road Aberdeen AB21 9NN
Description of Development	Change of use of flat to short-term let accommodation with maximum occupancy of 4 people
Date of Decision	26 September 2025

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows –

The change of use of the property from a residential flat to short term let accommodation would have a significant adverse impact on the amenity of the occupants of the neighbouring residential flats. This is because the occupants of the neighbouring flats would have to share the communal entrance and vestibule solely with frequently changing transient guests and cleaners of the short term let accommodation unit, who would be unknown to them. Taking into account the small size of the vestibule, close proximity of the private entrances of each property and the small size of those flats relative to the application property, with consideration for the prioritisation of protecting women's safety, this would result in a significant adverse impact on the sense of security, safety and privacy, whether actual or perceived, of the residents of the neighbouring flats. The comings and goings of a group of up to four adults and cleaners traversing through the building and using the property would likely increase noise disturbance compared to the existing use as a mainstream residential flat. The relative size of the four-bedroom flat compared to the neighbouring flats would result in the proposed short-term let use impacting on the quiet residential character of the building and worsening the amenity impacts experienced by the occupants of the neighbouring flats, in conflict with Policies 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) and Policies D1 (Quality Placemaking) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).

The property is located in a residential area and does not offer accommodation within or close to the city centre, with the nearest tourist hotspot being TECA, located 3 kilometres to the northwest. It thus conflicts with the aims of Policy VC2 (Tourism and Culture) of the Aberdeen Local Development Plan 2023 in that it would undermine the sequential spatial strategy to direct visitor facilities into the city centre.

As such, the local economic benefits to the tourism and hospitality sectors are not considered sufficient to outweigh the loss of amenity to neighbouring residents. The proposed use is therefore contrary to Policy 30 (Tourism) of NPF4.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

1000 A
1001 A

Location Plan
Other Floor Plan (Proposed)

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

Daniel Lewis

Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Consultee Comments for Planning Application 250701/DPP

Application Summary

Application Number: 250701/DPP

Address: Attic Floor Flat 440 Auchmill Road Aberdeen AB21 9NN

Proposal: Change of use of flat to short-term let accommodation with maximum occupancy of 4 people

Case Officer: Sam Smith

Consultee Details

Name: Mr Michael Cowie

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for change of use of flat to short-term let accommodation with maximum occupancy of 4 people at Attic Floor Flat, 440 Auchmill Road, Aberdeen AB21 9NN.

It is noted this site is located in the outer city and does not lie within an area of controlled parking measures.

It is considered that the site is well served in terms of public transport in and out of the city centre.

It is noted that the site has an associated parking provision of 1 space located to the rear which is deemed acceptable with there no scope for indiscriminate parking to the frontage on Auchmill Road.

It should be noted that no business bins would be permitted to be stored on the public road (which includes footways).

It is confirmed that Roads Development Management have no objections to this application.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Sam Smith	To: ACC - Waste And Recycling
E-mail: SamuelSmith@aberdeencity.gov.uk	Date Sent: 10 July 2025
Tel.: 01224 069080	Respond by: 31 July 2025
Application Type: Detailed Planning Permission	
Application Address: Attic Floor Flat 440 Auchmill Road Aberdeen AB21 9NN	
Proposal Description: Change of use of flat to short-term let accommodation with maximum occupancy of 4 people	
Application Reference: 250701/DPP	
Consultation Reference: DC/ACC/SZ6P1SBZ03R03	

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the consultation reference (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

Should further information be required, please let the case officer know as soon as possible in order for the information to be requested to allow timeous determination of the application. **Response**

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	Y
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

COMMENTS

Site Specific comments:

- To make sure that the service will not interfere with residential community. Cleaners/guests will be using only specified bin and present on a collection day.
- To make use of current bins until commercial status can be determined.

See below for general comments:

- Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document: http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at https://www.aberdeencity.gov.uk/sites/default/files/2024-05/APG%20Waste%20Management%20Requirements%20for%20New%20Developments_0.pdf

Responding Officer: J Talaga

Date: 11th of July 2025

Email: wasteplanning@aberdeencity.gov.uk



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 053746 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100718520-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="186"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Market Street"/>
Company/Organisation	<input type="text" value="Sparks Homes Aberdeen Ltd."/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdm"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB11 5PQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="richard@rdingwallarchitects.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="ATTIC FLOOR FLAT"/>
Address 2:	<input type="text" value="440 AUCHMILL ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB21 9NN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="809193"/>	Easting	<input type="text" value="390964"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use of flat to short-term let accommodation with maximum occupancy of 4 people.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to the supporting statement enclosed with this submission.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Supporting Statement, Location Plan, Existing Floor Plans, STL Checklist, Report of Handling, Decision Notice.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

250701/DPP

What date was the application submitted to the planning authority? *

07/07/2025

What date was the decision issued by the planning authority? *

26/09/2025

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Richard Dingwall

Declaration Date: 24/12/2025

Payment Details

Online payment: ABSP00012607

Payment date: 24/12/2025 11:38:00

Created: 24/12/2025 11:38

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PLANNING APPEAL SUPPORTING STATEMENT

Change of Use From Flat to Short Term Let

Attic Floor Flat 440 Auchmill Road | Aberdeen | AB21 9NN

24th December 2025

Richard Dingwall Architects

Address: 583 George Street | Aberdeen | AB25 3XR

Mobile: 07709097219 | Email: richard@rdingwallarchitects.co.uk

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5. Residential Amenity	10
6. Property Location	18
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APPENDICES

1. Location Plan
2. Existing Floor Plans
3. STL Checklist
4. Report of Handling
5. Decision Notice

1. INTRODUCTION

1.1

This Planning Appeal Statement has been prepared by Richard Dingwall Architects in support of an appeal, by Sparks Homes Aberdeen Ltd, against Aberdeen City Council's refusal of planning application 250701/DPP in respect of the change of use of the property at AFF 440 Auchmill Road, Aberdeen, for use as short term let accommodation.

1.2

Application 250701/DPP was validated on 7th July 2025, with the decision notice to refuse the application issued on 26th September 2025.

1.3

The reasons noted within the decision notice for refusing planning permission were as follows:

- i) The change of use of the property from a residential flat to short term let accommodation would have a significant adverse impact on the amenity of the occupants of the neighbouring residential flats. This is because the occupants of the neighbouring flats would have to share the communal entrance and vestibule solely with frequently changing transient guests and cleaners of the short term let accommodation unit, who would be unknown to them. Taking into account the small size of the vestibule, close proximity of the private entrances of each property and the small size of those flats relative to the application property, with consideration for the prioritisation of protecting women's safety, this would result in a significant adverse impact on the sense of security, safety and privacy, whether actual or perceived, of the residents of the neighbouring flats. The comings and goings of a group of up to four adults and cleaners traversing through the building and using the property would likely increase noise disturbance compared to the existing use as a mainstream residential flat. The relative size of the four-bedroom flat compared to the neighbouring flats would result in the proposed short-term let use impacting on the quiet residential character of the building and worsening the amenity impacts experienced by the occupants of the neighbouring flats, in conflict with Policies 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) and Policies D1 (Quality Placemaking) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).
- ii) The property is located in a residential area and does not offer accommodation within or close to the city centre, with the nearest tourist hotspot being TECA, located 3 kilometres to the northwest. It thus conflicts with the aims of Policy VC2 (Tourism and Culture) of the Aberdeen Local Development Plan 2023 in that it would undermine the sequential spatial strategy to direct visitor facilities into the city centre. As such, the local economic benefits to the tourism and hospitality sectors are not considered sufficient to outweigh the loss of amenity to neighbouring residents. The proposed use is therefore contrary to Policy 30 (Tourism) of NPF4.

1.4

This statement represents the grounds of appeal and invites the Local Review Body to conclude that the appeal should be allowed and planning permission for the use of the flat as a short term let be granted having regard to local and national planning policy and all other material considerations.

1.5

It is proposed by the applicant to use the property full time as a short term let. The property would be let for stays with a minimum of 3 nights to a maximum of 4 occupants.

2. PROPERTY DETAILS

2.1

The appeal property is a four bedroom flat within a 2.5-storey tenement building on the corner of the junction of Auchmill Road, Manor Drive, Great Northern Road and the Haudagain Bypass.

2.2

The appeal property is located within the Bucksburn area of the city, on its boundary with the area of Middlefield.

2.3

The appeal property is located on the second (attic) floor and has a floor area of circa 80m², consisting of a living room, kitchen, 4 bedrooms, and a bathroom. The property has access to a shared rear garden space as well as use of the parking space within a garage.

2.4

There are 3 flats within the building at 440 Auchmill Road, all of which share a communal door and staircase accessed from the rear of the building. There is a separate ground floor flat (438) which is accessed through its own external communal door at the front of the building.

2.5

The application property is located circa 270m west of the Haudagain Roundabout. The area surrounding the property is busy and mixed use in character. To the west is residential properties which continue along Auchmill Road. Immediately to the south is the former Manor Park Caravan Park which is now derelict and overgrown. Beyond that, circa 100m to the south, is the residential blocks on Manor Drive. Circa 30m to the north and north east are a number of business units, containing Majestic Wines, the Salvation Army, Pizza Hut, Indigo Sun, and Porcelanosa. Immediately to the east is the Haudagain Bypass. The site fronts onto the dual carriageway which makes up the A96. Due to this and the surrounding context there is at times a higher degree of on-street activity and ambient noise in the immediate vicinity of the property during the day and into the evening.

2.6

The application site has close access to a range of amenities. Restaurants: Pizza Hut - 100m; KFC - 400m; Mikes Famous Fish and Chips - 470m; as well as a number of takeaways to the east along Great Northern Road, and to the west along Auchmill Road. Within 300m to the east next to the Haudagain Roundabout is a petrol station and convenience store, a post office, and a car rental business. There is a Farmfoods supermarket within a short walk of the site, as well as the Tesco Extra store at Danestone being only a 4min. drive away.

2.7

Being located on Auchmill Road the application site has a bus stop within 70m and therefore has easy access to a broad number of bus services, including: 17, 64, 172, 220, 727, N17, and X20 routes, as well as the Ember service between Aberdeen and Inverness. The site is also only a 10min. drive from Dyce Train Station.

2.8

The application property is ideally located for easy access to the wider city and into Aberdeenshire and beyond. Auchmill Road leads to the A96 towards Inverness, as well as the A947 into Dyce. This provides easy access to TECA, Aberdeen Airport, ABZ Business Park, Kirkhill Industrial Estate, and to the businesses around Wellheads, Kirkton, and Pitmeddan Road. While the A96 leads out to Blackburn, Kintore, Inverurie, and beyond.

2.9

The Craibstone junction is located only 3miles from the site, providing access to the AWPR, giving visitors easy access to the west and south areas of the city, to Kingswells and Westhill, and out into Deeside. Whilst the site has quick access onto the Parkway, leading through Bridge of Don, and onto the A92 towards Ellon, Peterhead, and Fraserburgh.

2.10

Anderson Drive connects the application site to numerous areas of the city, including key locations such as ARI, the Bridge of Dee, and RGU. Aberdeen city centre is only a 3.5mile drive from the application site, with access along the way to Aberdeen University, and connections onto King Street and the beach area.

3. RELEVANT SITE HISTORY

3.1

The report of handling notes no relevant planning history and states “there are no properties in the building (or this post code) licensed as either a short-term let or a house in multiple occupation”.

3.2

Whilst the above is true, looking at the wider area we wish to note the below planning application.

241299/DPP - Flat 4 Society Court, Society Lane, Aberdeen, AB24 4DE

Application Granted for the Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people.

3.2

This was a flat for 4 persons located within a 8 unit residential block to the east of the appeal property on Great Northern Road, in a similar area to the appeal property, which was granted planning permission to operate as a short term let.

3.3

In the report of handling for approval 241299/DPP the officer noted “*Acknowledging the small scale of the proposal (accommodating up to four occupants at any one time) and the current few properties in and/or proposed to be in STL use in the area, on balance, the proposed STL use would be compliant with the aims of Policy VC2 (Tourism and Culture) of the ALDP in that it would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree*”.

3.4

In addition there have been a number of short term let licences granted for properties located along the A96 and the surrounding context of the appeal property. For example there are:

- 5 licences granted for Great Northern Road;
- 3 licences on Clifton Road; and
- 5 on North Anderson Drive between the Haudagain Roundabout and Hilton Road.

3.5

The above list of licences is not exhaustive of the immediate area, with a search on booking.com illustrating that there are also short term let properties operating on:

- Goodhope Gardens;
- Goodhope Park;
- Westerton Place;
- Cummings Park Drive;
- Hilton Road;
- Middlefield Place;
- Persley Den Grove;
- Gladstone Place;
- Church Street;
- Inverurie Road;
- Cloverdale Court; and
- Netherhills Avenue.

3.6

The STL licence scheme allows the Council to impose a number of conditions, including which condition 18 puts emphasis on the licence holder and operators to protect residential amenity, and provide the council with the basis to enforce compliance where required. In particular the following is noted:

“The licence holder must take reasonable steps to manage the premises in such a way as to seek to prevent and deal effectively with any antisocial behaviour by guests to anyone else in the short-term let and in the locality of the short-term let.

The licence holder must take reasonable steps to:

- ensure that no disturbance or nuisance arises within or from the premises, for example by explaining the house rules to the guests;*
- deal effectively with any disturbance or nuisance arising within or from the premises, as soon as reasonably practicable after the licence holder is made aware of it; and*
- ensure any vehicles belonging to guests are parked lawfully, for example explaining where any designated parking spaces are to be found and highlighting any local rules.”*

4. REPRESENTATIONS

4.1

There were no letters of representation submitted as part of the consultation process for the planning application, neither from the other properties located within the building, nor from the surrounding properties in the immediate area.

5. Residential Amenity

5.1

The first reason for refusal for planning application 250701/DPP was stated in the decision notice as being:

“The relative size of the four-bedroom flat compared to the neighbouring flats would result in the proposed short-term let use impacting on the quiet residential character of the building and worsening the amenity impacts experienced by the occupants of the neighbouring flats, in conflict with Policies 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) and Policies D1 (Quality Placemaking) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).”

5.2

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

“e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- An unacceptable impact on local amenity or the character of a neighbourhood or area.”*

5.3

Policy 14 (Design, Quality and Place) of NPF4 notes that “development proposals will be supported where they are consistent with the six qualities of successful places”: including developments which are designed to be healthy, through “supporting the prioritisation of women’s safety and improving physical and mental health”.

5.4

Policy D1 (Quality Placemaking) of the ALDP sets out six qualities of successful placemaking, including, ensuring development is safe and pleasant. The policy states development should “avoid unacceptable impacts on adjoining uses, including noise, smell, vibration, dust, air quality, invasion of privacy and overshadowing”.

5.5

Policy H1 (Residential Areas) of the ALDP notes the following:

“Within existing residential areas, proposals for non-residential uses will be supported if:

- they are considered complementary to residential use; or*
- it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity”.*

5.6

In the report of handling the officer notes “given that the character of the area comprises a mix of uses and the extent of residential properties in the vicinity, the use of this application property as an STL, would not have a significant impact on the character of the wider area”.

5.7

Instead it is the officer’s opinion that “The main consideration for the determination of this application is thus the amenity impact on the immediate neighbouring properties sharing a communal entrance and access with the application property”, confirming that the concerns in relation to residential amenity apply only to the residential properties within the appeal properties block, and not that of the neighbouring properties to the wider street and neighbourhood.

5.8

Analysis in relation to amenity in terms of noise and disturbance is subjective and differs across planning authorities and even between officers. However, when reviewing short term let planning applications the Council has consistently regarded the nature of occupancy by short term let guests as different to that of permanent residents.

5.9

Local Development Plan Policy D1 notes that development should “*avoid unacceptable impacts on adjoining uses, including noise, smell, vibration, dust, air quality, invasion of privacy and overshadowing*”. Similarly NPF 4 policy 30(e) part (i) states “*that proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in i) An unacceptable impact on local amenity*”. It is therefore implied in policy that there can some change in the amenity of the building which would be acceptable, and it would only be in conflict with policy when that change became detrimental, i.e. causes harm.

5.10

Within the report of handling the officer notes the following in relation to amenity:

“In general, it is considered that the change of use of properties to STL accommodation within residential flatted buildings could result in increased harm to the amenity of neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- the potential for noise from increased coming and goings via the communal entrance and stairwell due to frequent customer turnovers (check-ins and check-outs) and cleaning between occupancies;*
- the potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a ‘party flat’;*
- the potential for the disturbance of privacy and the impact on safety, whether actual or perceived, resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents”.*

5.11

In regards the first bullet point in relation to noise from increased coming and goings, the report of handling notes that the “*additional comings and goings from a group of up to four adults and cleaners would exacerbate the amenity impacts experienced for these smaller properties*” (the 2 smaller flats below).

5.12

The appeal properties maximum occupancy align with the characteristics as if it was used a mainstream residential unit. There is a total of 4 bedrooms, and if it was to be used as a mainstream residential unit it could reasonably be expected that there could be 4 or 5 residents in the property, for instance by a couple with 3 children. The proposed maximum occupancy of the short term let would be 4 occupants, 1 per bedroom, so the proposed change of use would not result in additional occupants in the building, nor additional users of the communal stairwell.

5.13

Regardless if the property is in mainstream residential use or used as a short term let there is going to be more people staying in the application property in comparison to the 2 smaller flats below. So if the view is held that having a greater number of people staying in that property in comparison to the neighbouring properties will have an impact on residential amenity, those issues exist in either use case. Therefore when determining if the use as a short term let will adversely impact the residential amenity of the neighbouring flats we must consider if the behaviours of short term let guests are so different from that of permanent residents that they adversely impact the residential amenity of the block to a greater extent.

5.14

Short stay occupation involves people living in the property, just for shorter periods. However, we argue that that does not necessarily mean the nature of the occupation is different. There are not necessarily greater movements of people, or different times of movement or activities. It is reasonable to expect that tourists are likely to be out of the property for the majority of the day and returning in the evening, while business travellers are likely to adopt a typical day-to-day residential routine, that is, leaving the property in the morning and returning in the early evening.

5.15

In comparison, permanent residents can have vastly different movements and activities depending on their employment, leisure interests, family circumstances, health, etc. For example, someone working back shift might return from work at 11pm; a family with teenage children might enter and leave the house many times during the day and night; a person with care needs might be visited by carers several times a day. Users of a short term let property, which use the property for a variety of purposes including short term residential needs for work purposes, are therefore unlikely to exhibit markedly different characteristics to more permanent residents.

5.16

In our view, there would not be a noticeable difference in the average daily number of occupants', nor their movements in and out of the property between the lawful use and the proposed use, and as such the likelihood of disturbance arising from guests whether inside, or outside the flat, is significantly reduced in comparison to that view held by the officer.

5.17

In regards to the second point in relation to amenity risks from guest activity within the flat, the officer notes in the report of handling that *"there is additionally the risk, given its overall size and the proposed number of occupants visiting on a non-residential basis, that it could be used by larger groups and the greater likelihood of parties being hosted in the property, compared to its use as a mainstream residential flat of four persons related to each other (i.e. a family)"*.

5.18

It is generally held that larger properties can have a greater capacity for guests, and where there are greater numbers of guests, there is increased potential for noise and disturbance, most commonly with parties.

5.19

However, the above analysis by the officer is contrary to the planning application which was made by the applicant. Given that the property has 4 bedrooms the applicant could have made an application for a maximum occupancy of 6 or even 8 occupants. However, with their planning application they have sought to restrict the maximum occupancy to 4, 1 occupant per bedroom, to help prevent the risk of the property being used as a party flat, and to reduce the risk of other amenity issues associated with a larger occupancy.

5.20

Therefore, given the smaller maximum occupancy size of the property it is not attractive to those looking to book properties for such parties.

5.21

In any case, as noted earlier in Section 3.6 of this document, Condition 18 of the council STL licensing conditions ensures that the licence holder must take reasonable steps to manage the premises in such a way as to seek to prevent and deal effectively with any antisocial behaviour by guests to anyone else in the short-term let.

5.22

In this case this would be managed through a strict noise management plan for guests to ensure a peaceful environment for both guests and neighbours, to minimise disturbances, protect residential amenity, and to comply with local regulations regarding noise levels. Guests will be provided with clear guidelines regarding acceptable noise levels during their stay. These guidelines will be included within the welcome pack when the guests check in and prominently displayed within the property at key locations, such as to the main entrance door, and in the main living spaces. This includes quiet hours to be enforced between 10pm and 8am every day, where guests are expected to keep noise levels to a minimum to avoid disturbing neighbours. Use of the rear garden will be restricted with guests advised to not undertake activities which cause noise to disturbance to neighbouring properties. There are no hot tubs, summer houses, or other facilities for use by the guests located within the garden.

5.23

During the booking process guests are advised that there is to be strictly no parties, either in the property or within the garden space. Breach of this would be addressed as set out in the complaint handling procedure noted below.

5.24

The management company who would operate the STL on behalf of the applicant will provide a 24/7 guest support service. The guest support service can be contacted by telephone or via text through WhatsApp, and allows guests to report any maintenance issues, other problems, or ask any queries to the management company during their stay. Contact information for the management companies guest support service is also provided to the neighbouring properties adjacent to the short term let. This allows the neighbours to report any noise disturbance or other issue easily and without having to speak to the guests. When any concerns are reported the neighbour will be assured by the agent that their complaints will be taken seriously and addressed promptly.

5.25

Any noise complaints received from neighbours will be addressed promptly and professionally. Guests causing disturbances will be contacted immediately and reminded of the noise guidelines and asked to lower their noise levels. Follow up inspections of the property will be conducted to ensure compliance with the noise management plan following the complaint. In case of repeated noise violations, guests may be asked to leave the property without refund.

5.26

Additionally any disruptive or antisocial behaviour is just as likely in residential use as short term let use. There is no published evidence that there are higher levels of anti social behaviour associated with short term lets in comparison to properties in mainstream residential use.

5.27

Further to the officers analysis in relation to the impact on residential amenity due to customer activity within the flat, they note in the report of handling: *“the application property comprises a large flat in the context of the tenement building, spanning the entirety of the second floor and comprises four bedrooms and a c. 21sqm living/ kitchen area which would form the main social space for guests staying at the property. There is thus potential for increased noise from the use of this space by up to four adults compared to how it could be expected to be used as a permanent residence. Due to the top-floor location, when the property is in use, noise transmission would very likely be heard in the two flats below, impacting on the amenity of both remaining flats in the block”*.

5.28

This risk of noise transmission through the floor exists whether the property is used as a short term let or as the mainstream residential property that exists on site already. The conclusion by the officer is not substantiated by evidence, but instead again falls into the view that the nature of occupancy by short term let guests as different to that of permanent residents. As noted already in this statement the applicant has taken steps to restrict the occupancy of the flat to that which would be similar to that if it was in mainstream residential use and to greatly reduce the risk of parties occurring. Therefore the activity within the living space would fall within the range of effects that can reasonably be expected in the existing flatted residential accommodation and would therefore not be detrimental to the amenity of the smaller flat below.

5.29

And in relation to the last bullet point regarding the potential for the disturbance of privacy and the impact on safety, whether actual or perceived, resulting from the use of communal areas, the report of handling notes: *“The full-time STL would be occupied solely by transient non-residents, in addition to cleaners occupying the spaces after each visit, thus presenting activity and comings and goings by frequently changing people unknown to the residents in the neighbouring flats, compared to if it were to revert to mainstream residential use. The internal communal vestibule leads from the external stairs and comprises a small area adjacent to the private doors to the neighbouring flats, with internal stairs leading up to the application property, resulting in guests passing through the building for access. As such, a larger group of up to four, frequently changing, transient persons staying on a non-residential basis would introduce an adverse impact on the amenity of this space, particularly on the sense of safety and security for the neighbouring residents”*.

5.30

The report of handling goes on to note: “prioritisation for women’s safety should be considered where, in a case such as this, women could be living alone in one of the small properties, for whom the presence of a group of four unknown guests could introduce a greater impact on their sense of safety”.

5.31

The report of handling makes reference to “transient non-residents”, implying that frequently changing guests affects the sense of safety and security of the building. However this assumes that all bookings are for short periods.

5.32

Short term lets help the city provide a varied range of accommodation for both leisure and business visitors, catering for a wide range of different preferences and budgets. They can provide a more home like experience, providing a safe and comfortable base for business visitors to return to while working in the city for several weeks, or providing families with more space and facilities compared to a hotel room during their break away. They therefore play a key role in the cities visitor accommodation needs.

5.33

Short term let operators, including the applicant, specifically target workers visiting the city on business. These type of guests tend to stay for longer periods of time, providing operators with longer term security with bookings and reducing cleaning and servicing visits and costs, and are therefore far more attractive to operators in comparison to shorter term stays.

5.34

Importantly, by targeting longer term business visitors they greatly reduce turnover in guests. Based on their other properties, over 70% of their bookings are professionals, with the average stay being between 4 - 8 weeks, with some stays up to 3 months. Additionally, business guests frequently revisit the property multiple times a year as their works requires.

5.35

Therefore while still shorter than the length of a traditional tenancy, guests are likely to stay in the property for considerably longer than anticipated in the report of handling, and as such the neighbouring properties are likely to become familiar with the guests and reduce any detrimental impact on their sense of safety and security.

5.36

Regardless of whether the property is a short term let or in permanent residential occupation there will be human activity coming to and going from the appeal property by unknown persons.

5.37

Permanent residents will have postal, parcel, food, and other deliveries at different times of the day, servicing and maintenance staff to do repairs, cleaning, etc., and their own family and friends visiting the property. Therefore it is not unusual to have unknown persons within the block. However, in relation to the appeal property, these activities will be significantly reduced as a matter of course while the property is a short term let.

5.38

The regular servicing of the property would be a professional cleaning company that would attend the property on change over days only between guest stays. As noted earlier the minimum stay for the property would be 3 nights. Given the above this would only result in at most 2 servicing visits per week. However given the expected occupancy rate of the property of between 50 - 75% this is more likely to be at most 1 visit per week or less.

5.39

Furthermore, it should be noted that servicing short term let accommodation is not a differentiator, as it has become more common for residential occupiers to use cleaners on a regular basis, especially if the occupier is in poor health or where both parents work full time for example. Therefore, the servicing of the proposed short term let would create minimal additional movements, which in any case, can be similar to those of a mainstream residential property.

5.40

The anticipated occupancy rate for the property over the course of a year is typically around 50-75% based on other similar short term let properties. This means that for between 90 - 180 days per year the the flat would be unoccupied, and there would be no guest movements in, out, or within the property.

5.41

Overall, when compared to mainstream residential use this would result in the short term let having a significantly reduced frequency of movement to the property, lower overall occupancy, and lower activity levels. Furthermore this also illustrates that in relation to safety and security, there is not going to be ever changing unfamiliar people every few days within the communal areas.

5.42

In conclusion this supporting statement has illustrated that in residential properties that share communal areas, it is common to have a wide range of living habits and patterns which can result in different frequency and times of movements by residents. The use of the property as a short term let does not create movement patterns which are remarkably different to that of mainstream residential occupants and therefore arrivals and departures of guests are unlikely to be much noticed, even if they occur at unusual or irregular hours.

5.43

It has been demonstrated that the applicant has taken steps through the restriction on the proposed maximum occupancy, and through the proposed management plans, that the risk to the residential amenity of the neighbouring properties being affected by noise, due to guest activities or parties is no worse than the risk if the property remained in mainstream residential use.

5.44

And details on the likely guest profile, length of stay, and levels of occupancy, as well as details on the servicing arrangement, provide reassurance that the neighbouring properties sense of safety and security will not be detrimentally affected.

5.45

In any case, taking all of the above into account, even if there was a slight increase in frequency of movements or activity, this does not necessitate on its own, noise (or other impacts in residential amenity) which would be significantly different and materially detrimental enough to adversely affect the 2 neighbouring properties as a result of the property being a short term let and breach the threshold of having an “unacceptable impact” as noted in policy.

5.46

We therefore imply that the proposed use as a short term let is considered complementary to residential use and that it would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity within the building in comparison to its existing use as a mainstream residential property.

6. PROPERTY LOCATION

6.1

The second reason for refusal for planning application 250701/DPP was stated in the decision notice as being:

“The property is located in a residential area and does not offer accommodation within or close to the city centre, with the nearest tourist hotspot being TECA, located 3 kilometres to the northwest. It thus conflicts with the aims of Policy VC2 (Tourism and Culture) of the Aberdeen Local Development Plan 2023 in that it would undermine the sequential spatial strategy to direct visitor facilities into the city centre. As such, the local economic benefits to the tourism and hospitality sectors are not considered sufficient to outweigh the loss of amenity to neighbouring residents. The proposed use is therefore contrary to Policy 30 (Tourism) of NPF4.”

6.2

Policy VC2 (Tourism and Culture) of the ALDP states that:

“Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported. And

Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable”.

6.3

The officer notes in the report of handling *“Given that the proposal would comprise a tourism facility that would not be in the city centre (sitting c. 4 km from the city centre boundary), the proposal would have tensions with Policy VC2 (Tourism and Culture) of the ALDP” and goes on to add “The application site sits c. 3 km from TECA as a tourist hotspot, requiring to be accessed via bus or car, with more suitable alternative accommodation sitting closer to this complex”.*

6.4

The officer concludes *“The proposal is therefore not considered to be appropriately located to support local business and amenity due to the type of services nearby which would outweigh the harm to the residential amenity of the neighbouring properties. The proposal is therefore considered to be contrary to the aims of Policy VC2 of the ALDP in that it would undermine the sequential spatial strategy to direct visitor facilities into the city centre”.*

6.5

While the officer concluded that *“the proposal is generally compliant with Policy 13 of NPF4 and Policies T2 and T3 of the ALDP 2023”* in relation to transport and accessibility, they added that they *“acknowledged that there are more appropriate locations in the city centre or near visitor demand areas for short-term let accommodation which would be more readily accessible via sustainable modes of transport, as well as more compatible with the sequential space strategy and aims of Policy VC2 of the ALDP for tourist accommodation”.*

6.6

The aims of the ALDP in relation to tourism and the citing of tourism facilities is acknowledged, however we argue that report of handling fails to take into account the diverse range of visitors to the city, their needs, and preferences. The policy implies that staying in the city centre, or next to tourist facilities such as TECA is the preference for all visitors, and that visitors who stay out with these areas don't generate the same local economic benefits to the tourism and hospitality sectors.

6.7

In contrast to the ALDPs city centre first approach, the Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states: *"Short-term lets make an important contribution to the tourist economy because they can...offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from 'hotspot' areas"*.

6.8

As noted within section 5 of this statement, it is anticipated that a majority of the guests will be workers visiting the city on business. It is likely that such visitors may be staying for several weeks or months at a time. The types of workers visiting other similar properties cover a wide range of occupations, from hospital workers, construction operatives, oil and gas engineers etc.

6.9

When staying in the city for a longer period of time than a week or two, guests usually look for a more home like experience for their stay, where they can feel safe and comfortable, and they can adopt a more regular routine. Guests are therefore unlikely to always want to eat out at restaurants or visit bars. Instead they will look to cook at home, and contribute to the local economy by visiting shops and supermarkets, or getting groceries delivered. However, like permanent residents, they will often visit the city centre at the weekend or on other special occasions during the week.

6.10

Living in the city centre for longer periods of time does not suit all visitors. This could be for a wide range of reasons including the higher background ambient noise, access and parking issues, or the higher costs of staying in a more central location. Additionally, based on the location of the visitors place of work, commuting from the city centre may take longer and be less convenient.

6.11

As described in Section 2 of this statement, due to the appeal properties location next to the Haudagain Roundabout, it is conveniently located to provide access to a wide range of business areas, including the business parks in Dyce and Bridge of Don, areas which are quicker to access from the appeal properties location in comparison to the City Centre. The appeal property is also easily commutable to ARI, TECA, and the City Centre, while the AWPR provides access to Kingswells and South Aberdeen.

6.12

Short term lets located within the City Centre are less likely to have dedicated parking spaces. And while on street parking is available this may come with additional costs or time restrictions. Additionally some visitors need the security of a dedicated parking space or garage due to items stored within their vehicle, such as construction workers with tools. The appeal property, which has both secured dedicated parking, as well as nearby free on street parking, is attractive to potential visitors who are unable to use more sustainable modes of transport.

6.13

Larger sized short term let properties can also be harder to find within the city centre, and as such can drive up costs. The Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states:

"Short-term lets make an important contribution to the tourist economy because they can...offer more affordable accommodation, helping to attract tourists that may have a lower budget".

6.14

Being located outwith the city centre, and providing accommodation for 4 guests, helps provide more diverse and affordable accommodation to visitors, making Aberdeen a more attractive place to work in and visit.

6.15

The officer concludes in the report of handling that *"the proposal is...not considered to be appropriately located to support local business and amenity due to the type of services nearby which would outweigh the harm to the residential amenity of the neighbouring properties"*.

6.16

The appeal property is well served by both parking for vehicles, and as noted in Section 2 of this statement, by public transport, particularly a large number of bus routes. Visitors using the appeal property would be easily able to access any services they require, either by walking along Auchmill Road or Great Northern Road, driving, or by taking public transport to the City Centre. And as noted above, economic benefits from visitors does not require them to visit restaurants and bars in the city centre every night, but instead they can contribute by using local facilities such as shops, supermarkets, pharmacies, bakeries, takeaways, petrol stations etc. all of which are easily accessible from the appeal property.

6.17

Furthermore, the economic benefit to businesses through providing suitable and convenient accommodation for their workers, should be taken into consideration. This can help businesses expand their services, cover vacancies, increase output, provide specialist services etc, all which can increase fiscal output, create or sustain jobs, boost growth, and contribute to increasing the local economy.

6.18

In relation to guests who might be visiting the property for shorter periods, such as for events at TECA, the report of handling notes: *“The application site sits c. 3 km from TECA as a tourist hotspot, requiring to be accessed via bus or car, with more suitable alternative accommodation sitting closer to this complex”*.

6.19

As noted in Section 2 of this statement the appeal property is located within 70m of a bus stop which serves both the regular buses such as the 727 which serve TECA, as well as the special event buses which Stagecoach operate when required. The property is therefore very easily accessible to TECA for events.

6.20

The report of handling references the hotel accommodation sitting closer to the TECA complex, however when events are on this accommodation can be in short supply and more expensive. Further to the earlier note regarding the Scottish Government’s publication on ‘Short Term Lets: Business and regulatory impact assessment’ from November 2021 regarding supporting development which provides more affordable accommodation, the publication also noted:

“Short-term lets make an important contribution to the tourist economy because they can....provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time”.

6.21

During such events as the Offshore Europe Energy Expo & Conference there is a significant increase in demand for accommodation at both TECA and within the city centre. Due to the appeal properties location on the A96, and its access to public transport, it is conveniently located to provide additional capacity for such events.

6.22

The proposal is for a short term let with a maximum capacity of 4 people. Typically this would require groups to purchase 2 hotel rooms. Whereas, the proposal would allow a group of visitors to purchase 1 property, to stay together, and to have a separate room each. This not only makes visiting the city more affordable, but also makes the city a more attractive and easier destination for groups of visitors.

6.23

In conclusion this supporting statement has illustrated that a short term let in this location can support economic benefits through short term visitors due to its occupancy for 4 people, its facilities, and convenient location for accessing the rest of the city through both private vehicle and sustainable transport options, which make it an attractive option for guests visiting the city.

6.24

It has also illustrated that the economic benefits should not just be analysed through typical tourist experiences, such as eating out, visiting museums etc. but through its contribution to the vitality and success of local businesses and projects which require accommodation for their staff visiting the city.

6.25

As with the aims of NPF 4 Policy 30 the proposal can contribute to encouraging, promoting and facilitating a sustainable tourism sector which benefits local people, inspires people to visit Aberdeen and Scotland, and supports the success of local industry and businesses.

7. CONCLUSIONS

7.1

It is our contention that the proposed short term let at AFF 440 Auchmill Road, accords overall with NPF 4 Policy 30, as well as NPF Policy 14 and Policies D1 and H1 of the Aberdeen Local Development Plan 2023 that were given as reasons for refusal of the initial planning application by officers in the report of handling.

7.2

It has a maximum occupancy similar to that of a residential use and is unlikely to attract the types of guests typically associated with party flats due to its restriction on the maximum capacity and the proposed management procedures, and any guest activities within the flat will have no detrimental impact on residential amenity in comparison to its existing use as a mainstream residential flat.

7.3

The activities of guests while in the property, and their patterns of accessing the property, are typical of a residential flat and the established character of the building. The change of use to a short term let does not necessarily mean the nature of the occupation is different and there are not necessarily greater movements of people, or different times of movement.

7.4

The proposed profile of guest, the anticipated length of stay, the expected occupancy rate of between 50-75%, and the proposed servicing levels, mean that turnover of guests will be less frequent, there will be less guest movements in and out of the building, there will be less unknown people in the communal areas, and therefore the neighbouring properties occupants sense of safety and security will not be unacceptably affected.

7.5

It has been illustrated that the proposed short term let being located outwith the city centre is suitable and even preferential for a wide range of visitors, increases the capacity and diversity of affordable accommodation on offer, that the guests can still access all the services and amenities they require either by walking, private vehicle, or by public transport, and that they can create an economic benefit to the the local economy through increased spending, supporting local businesses and jobs, and helping to support the proposed outcomes related to tourism in Policy NPF 4 policy 30.

7.6

Taking all of the foregoing into account, it is hoped that the local review body will be able to support this appeal, as it is considered to successfully address NPF4, Local Development Plan Policy and its supporting Guidance.

Short Term Let Accommodation

Planning Supporting Information Checklist



What is the property address and floor level?	Attic Floor Flat, 440 Auchmill Road, AB21 9NN 2nd Floor / Attic Floor Flat
What is the maximum number of occupants that would be allowed to stay in the property?	4 People
How many bedrooms and beds would there be?	4 Bedrooms Each With 1 Bed.
What are the minimum and maximum durations of stays for customers?	3 Nights Minimum - No Maximum Stay.
Would there be any car parking available for customers?	Yes
If yes, how many spaces and what type?	1 Space in Detached Garage to Rear.
Would the property be in use as a Short Term Let (STL) on a permanent basis, or would it only be available to hire for certain periods of the year only? If not permanent, please provide further details	Permanent Basis.
Would the property be let out to one group, as one booking, or would individual rooms be available to let separately?	The property would only be let to one group.
What would the check-in and check-out times be and would customers be met or would they collect the keys from a key box or similar?	Guests collect keys from externally mounted lock box. Check in from 3pm. Check out by 10am.
Please advise what the arrangements would be, including frequency, for cleaning the property and how would waste be disposed of?	To Be Cleaned By A Professional Cleaning Company. Cleaning Would Be On Check Out Only.
Does the property share a communal access with any other properties and if so, how many?	Yes, there are 3 properties in total within the block which share a communal access. There are 2 flats on the ground floor which have their own separate access.
Does the property have access to any communal amenities, including garden ground or roof terraces? If so, provide details	There is a rear garden however guests would be advised not to use it.
If known, how many other properties in the building are currently in use as Short Term Let accommodation?	None.
If the application seeks permission retrospectively, how long has the property been in use as Short Term Let accommodation? Please provide any existing online links to view & book the accommodation, if available.	N/A

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