

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 11 December 2023. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor , Convener; Councillor , Vice-Convener; and Councillors McRae, Clark and Cooke.

The agenda, reports and recording associated with this meeting can be viewed [here](#).

### **FIRST FLOOR RIGHT, 13 FRASER ROAD - CHANGE OF USE OF FLAT TO SHORT TERM LET ACCOMMODATION (SUI GENERIS) WITH MAXIMUM OCCUPANCY OF 4 PEOPLE - PLANNING REFERENCE NUMBER 230572**

11. The Local Review Body (LRB) of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation for the refusal of the application for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people at First Floor Right, 13 Fraser Road, Aberdeen.

Councillor McRae as Chair for the meeting, gave a brief outline of the business to be undertaken, advising that the LRB would be addressed by the Assistant Clerk, Mr Mark Masson with regards to the procedure to be followed and thereafter, by Ms Lucy Greene who would be acting as the Planning Adviser to the Body in the following case under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority, she had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

The Local Review Body was then addressed by Mr Masson, Assistant Clerk in regard to the procedure to be followed, at which time reference was made to the procedure note circulated with the papers calling the meeting and to more general aspects relating to the procedure.

In relation to the application, the LRB had before it (1) a delegated report by the Appointed Officer, Aberdeen City Council; (2) an application dated 10 May 2023; (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) the Notice of Review submitted by the applicant; and (5) letters of representation from the Aberdeen City Council's Roads Development Management Team and Environmental Health Team; and also from a neighbour.

Ms Greene then described the site and outlined the appellant's proposal.

Ms Greene indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

- This was a predominantly residential area and quiet - detrimental impact on residential amenity of neighbours within building – due to noise disturbance,

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frequent changes of occupant particularly at unusual hours, security, real or perceived within communal areas of building; and

- Was therefore contrary to H2 (Mixed Use Areas), Policy 30 (Tourism) NPF4.

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

- Applicant had a strong commitment to ensuring the Short Term Let would not disrupt neighbours. Communication would be maintained, properties were taken on where it was believed there would not be issues with neighbours – as this would create more work;
- Was willing to implement noise detection device and Ring doorbells (smart), if those would provide reassurance of ability to address concerns; and
- Was eager to work collaboratively with the Council and local community to ensure operations align with character of Fraser Road and Policy H2 and Policy 30 in NPF4.

In terms of Consultations, Ms Greene advised that the Council's Roads Team had no objection as no parking was the same situation as mainstream flat and there were good links; that the Council's Environmental Health Team had no observations or objection and there was no response received from George Street Community Council. She indicated that there was one representation received which intimated that visitor parking would be displaced at a neighbouring private car park in Fraser Court.

Ms Greene advised that the applicant had expressed the view that no further procedure was required.

The Chairperson and Councillors Clark and Cooke all indicated in turn that they each had enough information before them and therefore agreed that the review under consideration should be determined without any further procedure.

In terms of relevant policy considerations, Ms Greene referred to the National Planning Framework 4 and the Aberdeen Local Development Plan 2023.

Ms Greene responded to various questions from members relating to Policy T3, zoning and its proximity to the city centre; and whether further information had been provided regarding the proposed technology (doorbell and noise detection devices).

**Members each advised in turn and unanimously agreed to uphold the appointed officer's earlier decision. Planning permission was therefore refused.**

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

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More specifically, the reasons on which the Local Review Body based this decision were as follows:-

Whilst the site is in reasonably close proximity to the city centre and is located within a mixed use area, the predominate character of Fraser Road is residential in nature, and the street is relatively quiet. It is considered that the proposed change of use of the property to Short Term Let (STL) accommodation would likely result in significant detrimental impacts upon the amenity of the immediate neighbouring residential properties within the application building, beyond what could typically be expected if it were to be used as mainstream residential accommodation through noise disturbance, the frequency of changes in occupants, particularly at unusual hours, and the impact on security, real or perceived, within the communal areas of the building. The proposed change of use is thus considered to be contrary to Policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan 2023 and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4.

- **COUNCILLOR CIARAN MCRAE, Chairperson**