

Public Document Pack



To: Councillor McRae (Chairperson) and Councillors Clark, Cooke, Copland and Tissera.

Town House,
ABERDEEN 04 December 2023

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, 11 DECEMBER 2023 at 10.00am.**

JENNI LAWSON
INTERIM CHIEF OFFICER – GOVERNANCE (LEGAL)

B U S I N E S S

1.1 Procedure Notice (Pages 3 - 4)

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

2.1 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

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 230572.

- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 5 - 34)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 35 - 36)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 37 - 44)
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Integrated Impact Assessments related to reports on this agenda can be viewed [here](#)
To access the Service Updates for this Committee please click [here](#)
Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 067556

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.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	First Floor Right, 13 Fraser Road, Aberdeen, AB25 3UD
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
Application Ref:	230572/DPP
Application Type:	Detailed Planning Permission
Application Date:	16 May 2023
Applicant:	Tuomsproperties LTD
Ward:	George Street/Harbour
Community Council:	George Street
Case Officer:	Jack Ibbotson

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a flatted property situated at first-floor level within a traditional granite and slate mid-terraced 2½ storey residential tenement containing a total of six properties situated on the western side of Fraser Road. The application property, is currently tenanted with occupants living in the property as permanent occupants, with the intention to bring it into use as a as Short Term Let (STL). The property has two double bedrooms and is dual-aspect, with two windows on the building’s front elevation, facing east over Fraser Road, and one window looking west over the communal rear garden area. The property is accessed by a communal ground-floor front entrance door centrally positioned on the front elevation of the building facing onto Fraser Road. It is not clear if other properties in the building are being used as an STL and it is assumed that the remaining five properties are in mainstream residential use. To either side of 13 Fraser Road are adjoined tenement blocks of identical design.

Relevant Planning History

None.

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 STL is 4 persons at any one time, with a minimum stay duration of 3 nights. The agent has advised that occupancy tends to be between 4 – 14 nights on average, but there is no maximum period. The property would be operated as an STL on a permanent basis and customers of the property would utilise existing on-street waste and recycling bins on Fraser Road to the front of the property's entrance. The property does not benefit from off-street parking. There is controlled on-street parking in this area so visitors would only be able to park on this street if spaces are available and they/the agent have organised parking permits.

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=RUG1GUBZJEL00>

- Short term let checklist

CONSULTATIONS

Roads Development Management Team – It is noted this site is located in the inner city and lies within controlled parking zone (CPZ) W.

No objections to this application as the proposed would retain the same parking requirement and given it is located within a CPZ there is no scope for any increased parking pressures.

Waste And Recycling – To use on street bins.

Environmental Health – No objections or observations.

George Street Community Council – None received.

REPRESENTATIONS

1 objection has been received relating to the proposal. The matters raised can be summarised as follows –

- Parking from visitors would be displaced at neighbouring private car park in Fraser Court.

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. The relevant provisions of NPF4 that require consideration in terms of this application are –

- 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 30 (Tourism)

Aberdeen Local Development Plan (2023)

The following policies are relevant –

- Policy H2 (Mixed Use Areas)
- Policy D2 (Amenity)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy VC2 (Tourism and Culture)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC4 (City Centre and Retail Core)

Other National Policy and Guidance

Scottish Government publications:

- 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

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) 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, has not included any information on measures proposed which would make a material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor have any opportunities to minimise greenhouse gas emissions been included in the proposal. The proposal has not specified any improvements in insulation, a change of heating system to a low carbon system or measures to promote green travel to the property. It is noted that as a change of use the proposal does not include any built development, and therefore there is no embedded carbon emissions associated with the proposal.

Therefore the proposals raises some tension with Policies 1 and 2 of NPF4 and does not propose any measures which would weigh in this developments favour in accordance with these policies. The proposed development is wholly internal, small-scale and does not include any measures for biodiversity gain. Technically this results in some tension with Policy 3 of NPF4, and whilst not a reason in itself for refusal, it does not weigh in favour of the proposed development.

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

Policy 30 (Tourism), paragraph (e) of 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 H2 (Mixed Use Areas) of the ALDP states:

'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.'

Impact on character and amenity of the area

The application property is situated within a mixed use area as zoned in the ALDP Proposals Map, however, this section of Fraser Road is characterised by residential development in the form of traditional tenements and 20th century flats, and commercial uses are some distance away on Hutcheon Street. Fraser Road is open to two way traffic but is not particularly heavily trafficked with most through traffic using Hutcheon Street and George Street. The residential character is therefore relatively quiet in nature and would to a limited degree be impacted by a change of use of the flat out of a residential use to effectively a business use.

The use of the application property as an STL, with a potential increased frequency of comings and goings (when the property is occupied), is likely to have an impact on the amenity of residents within the traditional tenement building. This is because in the worst case scenario of full occupancy of four adults arriving at different times or at irregular hours on a more frequent basis than the established residential use is likely to cause. In terms of impacts on amenity, the property shares an entrance door and stairwell with five other properties in a traditional tenement building, all of which are in use as mainstream residential flats. It also shares a communal garden. The Planning Service considers that the use of the property as an STL could therefore result in increased harm to the amenity of the neighbouring properties within the tenement building, 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.

It is considered that there would be impacts on amenity from the use of the application property as an STL arising from the increased probability of noise emissions affecting the occupants of the other flats from regular arrivals and departures by customers. Additionally due to noise transmission through the floors and ceilings (particularly given the building is a historic tenement of traditional construction and the position of the property within the middle of the building). A final impact which is material would be the potential for reduced safety and security from the use of the communal entrance and stairwell by transient non-residents, either actual or perceived.

In this instance, the proposed STL is a two bedroom flat with a stated maximum occupancy of four people. It is thus considered unlikely that the flat would be used for the hosting of parties or other events of an anti-social nature. However, the use of a two bedroom residential flat is not likely to regularly see four adults congregate at the property by virtue of the relatively small scale of the flat, which is much more likely should a change of use to short term let be permitted. It is considered that this intensification of use could harm the amenity of neighbouring established residential properties in terms of noise from activities within the property during the more sensitive late night and early morning periods by virtue of a potential change in numbers of adults regularly staying in the property. It is acknowledged that such activities could nevertheless take place in the property if operated as mainstream residential accommodation, however it is less likely to be as frequently than would be the case if this proposed change of use is granted and implemented.

The location of the flat, at 1st floor level, both above, below and on the same landing as other residential flats in the traditional granite tenement building means that this is likely to have a larger impact through noise transfer below and above, than would be the case, for example, for a ground floor flat. The application property shares a landing with another property on the first-floor level of the building. As a direct neighbour the comings and goings on the landing may be noted over and above the movement of residents on the floor above and below and this would intensify due to the increase in occupation, and the potential for visitors not to be familiar with the building, or have less regard for the peace and quiet enjoyed by permanent occupants as these guests are itinerant and have less reason to maintain the character of the shared spaces. This could cause harm to the relatively quiet character of this property and surrounding residential street.

Customers of the property would have access to the communal garden area to the rear of the building, although it is not anticipated that customers staying at the property on a short-term basis would be likely to use the garden area for any significant periods of time. However, should visitors decide to use this space, which was noted as being a relatively quiet street, this could be both a nuisance through increased noise and disturbance, or if not noisy, the presence of strangers in a communal garden is likely to be perceived as a loss of security and privacy by other residents.

The Planning Service considers that the maximum occupation of four customers of this relatively small traditional tenement flat is likely to cause harm to the amenity of neighbouring residents, in particular when fully occupied. In the context of this residential area, in a 1st floor position the amenity of the neighbouring mainstream residential properties within the building would be affected beyond the impacts to amenity which could occur if the property were to remain in mainstream residential use.

A secondary impact is the potential for a reduction in safety and security for the permanent residents in the building resulting from the use of the property as an STL which could occur through the regular change in guests staying at the property. The surroundings and building are not busy, and therefore this is likely to be perceived as a greater change, than in a busier city centre area or should the maximum number of occupants be less.

It is therefore considered that the use of the property as an STL would cause harm to the character and amenity of the area and adversely impact on neighbours, contrary to Policy 30(e)(i) of NPF4. Furthermore, it has not been demonstrated that the development has fully taken *“into account the existing uses and character of the surrounding area and avoid direct conflict with the adjacent land uses and amenity”* thus the proposals are also contrary to Policy H2 of the ALDP.

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 outside the city centre boundary meaning customers of the STL would be further away from the services, businesses and amenities in the city centre as compared to sites within the city centre area as defined in the ALDP. Therefore the likely benefit of increased footfall of businesses in the city centre is not necessarily as likely to be increased as similar schemes located within the city centre.

Whilst there are likely to be more sustainable sites closer to the city centre, the site is not considered unsustainable. The city centre boundary is within walking distance and therefore the proposal, whilst not in total accordance with policy VC2 or VC4 of the Aberdeen Local Development Plan, it would in effect meet the policy intentions. These policies seek to steer tourist accommodation towards the city centre or existing Local Plan tourist allocations unless it is demonstrated otherwise impracticable. The small scale of this proposal within the predominantly residential area (albeit allocated as a mixed use area within the ALDP) which has public transport links is considered to be in a location close enough to the city centre, public transport nodes, tourist and business facilities etc not to undermine the intentions of Policy VC2 and VC4 of the ALDP.

However, it is noted that Fraser Road has a different character than the city centre, and is quieter with no noted commercial uses on the road apart from a hairdressers at the southern end of the road, and a commercial use some distance away at the northern end of the road - as compared to other areas within this mixed use area. Therefore it is considered that the proposed change of use would result in harm to the amenity of existing residents in the surrounding residential area, which is a consideration of sufficient weight to warrant the refusal of the application. However, on balance the tension with policies VC2 and VC4 of the ALDP in terms of the sequential location of tourist development is not of sufficient weight to form a reason for refusal.

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.

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. The grant of planning permission for the use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location in close proximity to the city centre.

It is not however considered appropriate to grant planning permission for a time-limited period in this instance. This is because the identified harm to neighbouring amenity would not be addressed and would be ongoing during any temporary period granted to allow for the next publication of Housing Need and Demand Assessments and assessment of impact upon housing supply and need. As such whilst the use of planning condition could allow for housing need to be assessed, the use of conditions would not be able to overcome the potential for immediate harm to amenity.

Transport & Accessibility

One objection was received in relation to this application setting out that the change of use would result in guests parking in private residential car parks in the surrounding area. Parking pressure from this type of change of use is a material planning matter and therefore this comment is relevant. However, the difference between the current use, and proposed use in terms of car parking requirements and trip generation are considered to be broadly similar. The objection sets out that parking in private car parks is already an issue, and it is not possible to conclude that the proposed use would exacerbate this further. It may also reduce this issue, as visitors are less likely to be familiar with the area and lack of parking enforcement in private car parks in the area. As such this is not considered to be a reason for refusal.

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. The application property lies outside the city centre boundary but is close to bus routes and cycle routes. George Street shopping and services (250m), as well as the city centre boundary (460m) are within walking distance, as are the parks at Union Terrace Garden (1100m), Victoria Park and Westburn Park (800m). It is not within easy walking distance of the train station (1700m) or bus station but bus routes do link to these from nearby including Hutcheon Street. It is therefore considered that the site would not result in unsustainable travel to and from the site and would be compliant with Policies 13 of NPF4 and T2 of the ALDP.

Should people visit in cars, the site has controlled on-street car parking which could be used by visitors if a permit was arranged and is not likely to be of a higher intensity of use than that of flats in permanent mainstream residential use.

Taking into account the comments of the Roads Development Management Team it is considered that the use of the property as a STL would not generally result in an increase in parking requirements over the existing use, and would not result in the existing issue with on street parking provision or private car parks being used by unauthorised visitors and is compliant with Policy T3 (Parking) of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Developments) 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 use of the property as an STL would comprise a business and

would therefore not pay Council Tax, it is proposed that customers of the STL utilise existing domestic on-street general waste and recycling bins situated nearby on Fraser Road.

The Council's Waste & Recycling Service have advised that the customers of the property can continue to 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. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R6 of the ALDP.

DECISION

Refuse

REASON FOR DECISION

1. 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.

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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 100624877-001

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 from residential flat (sui generis) to short term let comprising 2 bedrooms and a maximum of 4 occupants (sui generis)

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:	SJA Platinum Property Group Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Jason	Building Name:	Neo House
Last Name: *	Orton	Building Number:	<input type="text"/>
Telephone Number: *	+44 7564077841	Address 1 (Street): *	Riverside Drive
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB11 7LH
Email Address: *	jason@sjastays.com		

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:	22
Last Name: *	<input type="text"/>	Address 1 (Street): *	Turnstone Court
Company/Organisation	Tuomsproperties LTD	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Stonehaven
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB39 3XG
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

FIRST FLOOR RIGHT

Address 2:

13 FRASER ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 3UD

Please identify/describe the location of the site or sites

Northing

807049

Easting

393542

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

42.00

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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>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.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0</p> <p>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</p> <p>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).</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes T No</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes T No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>≤ Yes</p> <p>≤ No, using a private water supply</p> <p>T No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * ≤ Yes T No ≤ Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * ≤ Yes T No</p> <p>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.</p>
<p>Waste Storage and Collection</p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ≤ Yes T No</p>

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

Awaiting council feedback

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: Jason Orton

On behalf of: Tuomsproperties LTD

Date: 12/04/2023

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. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
A Design Statement or Design and Access Statement. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
A Flood Risk Assessment. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
Drainage/SUDS layout. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
A Transport Assessment or Travel Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
Contaminated Land Assessment. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
Habitat Survey. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input type="checkbox"/> N/A
A Processing Agreement. *	<input type="checkbox"/> Yes	<input type="checkbox"/> T	<input 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: Mr Jason Orton

Declaration Date: 10/05/2023

Payment Details

Online payment: ABSP00009569

Payment date: 10/05/2023 13:01:00

Created: 10/05/2023 13:01

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Jason Orton
SJA Platinum Property Group Ltd
Neo House
Riverside Drive
Aberdeen
AB11 7LH

on behalf of **Tuomsproperties LTD**

With reference to your application validly received on 16 May 2023 for the following development:-

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, AB25 3UD

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

<u>Drawing Number</u>	<u>Drawing Type</u>
	Location Plan
	Location Plan
SJA-13FR-FFR	Other Floor Plan (Proposed)
	Other Drawing or Plan

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

The reasons on which the Council has based this decision are 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

Date of Signing 18 October 2023

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive, slightly slanted style.

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 WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

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 230572/DPP

Application Summary

Application Number: 230572/DPP

Address: First Floor Right 13 Fraser Road Aberdeen AB25 3UD

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people

Case Officer: Jack Ibbotson

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 changed 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 AB25 3UD.

It is noted this site is located in the inner city and lies within controlled parking zone (CPZ) W.

It is confirmed that Roads Development Management have no objections to this application as the proposed would retain the same parking requirement and given it is located within a CPZ there is no scope for any increased parking pressures.

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Aberdeen City Council – Development Management Team Consultation Request

Response for application 230572 13 Fraser Road

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.	
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

The following development is classified as commercial and therefore receives a business waste collection.

When providing feedback on commercial developments, I can only provide a very general response regarding commercial developments due to Aberdeen City Council not being the only waste service contractor available in the city.

Site Specific comments:

- To use on street bins.

See below for general comments:

- Business premises need to be provided with a bin store to allocate, within the property curtilage for the business 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/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Responding Officer: L Todd

Date: 25/05/2023

Email: wasteplanning@aberdeencity.gov.uk

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Consultee Comments for Planning Application 230572/DPP

Application Summary

Application Number: 230572/DPP

Address: First Floor Right 13 Fraser Road Aberdeen AB25 3UD

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people

Case Officer: Jack Ibbotson

Consultee Details

Name: Mr Mark Nicholl

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

Email: Not Available

On Behalf Of: ACC - Environmental Health

Comments

No concerns or observations.

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Comments for Planning Application 230572/DPP

Application Summary

Application Number: 230572/DPP

Address: First Floor Right 13 Fraser Road Aberdeen AB25 3UD

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people

Case Officer: Jack Ibbotson

Customer Details

Name: Mr Phillip DeSouza

Address: 85 Fraser Court Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Parking in car park at Fraser Court, what residents will be staying there

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Application 230572/DPP - 13 Fraser Road, First Floor Right

Development Plan

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 12. Zero waste
- 13. Sustainable transport
- 30. Tourism

Aberdeen Local Development Plan 2023

<https://www.aberdeencity.gov.uk/services/planning-and-building-standards/local-development-plan/aberdeen-local-development-plan>

- H2 Mixed Use Areas
- D2 Amenity
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- VC4 City Centre and Retail Core
- T2 Sustainable Transport
- T3 Parking

Information-

Mapping showing Houses in Multiple Occupation (HMO licence only required where 3 or more occupiers)

[Housing Web Mapping Application \(aberdeencity.gov.uk\)](https://www.aberdeencity.gov.uk/housing-web-mapping-application)

National Policy and Guidance

Scottish Government publications:

- Short Term Lets: Business and regulatory impact assessment – November 2021

[G. Wider economic context - Short-term lets: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/g-wider-economic-context-short-term-lets-business-and-regulatory-impact-assessment)

- Scottish Government – Research into the impact of short-term lets on communities across Scotland – October 2019 [people-communities-places-research-impact-short-term-lets-communities-scotland.pdf \(www.gov.scot\)](https://www.gov.scot/people-communities-places-research-impact-short-term-lets-communities-scotland.pdf)

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FÁ Í EØDÁCFÁÁFCØFCØEØGEÁEÉCÁÁÁEØLØGEØDÁEØFÁÁFCØFÁ Í EØCÁACÁDÁEÁEÚEÉÁEØDØUCØEÁE Í FÁDÉÁBØCÁÁÁE Í ÁFÁEÁEÁT

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ŠDØCÁ Í ÍBÁÁFÁDÉCYÁÁØLØFEÁ Í ÁEØLØCÁEØLØCYÁŠCŠDØEÁDÉÁLØEØFCØCÁÁDØEØLØGEØCÁDÉÁLØEÁEØLØCÁEØCŠDØEÁCÁE I HEYCØZÆÁOCØOCÁÁÁÁÁÁFEÁÁZ

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Hello Planning Department,

I am writing to appeal the recent decision to deny planning permission for the change of use at 13 Fraser Road, to operate it as a Short Term Let (STL) accommodation. The denial was based on the following reasons, as outlined in your correspondence.

Amenity Impact on Neighbouring Properties:

It is noted that the change of use to STL accommodation could potentially have a significant detrimental impact on the amenity of neighbouring residential properties due to concerns such as noise disturbance, frequent changes in occupants, and the impact on security within communal areas. I would like to emphasize our strong commitment to ensuring that our STL operations do not disrupt the lives of the neighbours. We are fully prepared to maintain open lines of communication and cooperation with all neighbouring property owners. We will not accept or consider properties where we believe there would be issues with neighbouring residents, as this would not only be detrimental to them but also create additional work for us. Moreover, we are open to implementing noise detection devices and Ring doorbells, should they offer the planning department additional confidence in our ability to address any potential concerns.

We fully respect the guidelines set forth in Policy H2 of the Aberdeen Local Development Plan 2023 and Policy 30 of National Planning Framework 4. We are eager to work collaboratively with the council and the local community to ensure that our operations align with the character of Fraser Road and its residential nature.

I kindly request the council's reconsideration of our planning application and invite the opportunity for further discussion to address any concerns you may have. We are confident that with open communication, we can reach a mutually beneficial solution that preserves the neighbourhood's amenity while allowing for responsible STL operations.

Thank you for your time and consideration of our appeal. Please do not hesitate to contact me if you require any additional information or clarification.

Sincerely,
Mitchell Clark
07787117918

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