

Public Document Pack



To: Councillor McRae, Convener; Councillor Greig, Vice-Convener; and Councillors Alphonse, Boulton, Clark, Copland, Farquhar, Lawrence and Macdonald.

Town House,
ABERDEEN 04 February 2025

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Committee Room 2 - Town House on THURSDAY, 13 FEBRUARY 2025 at 10.00 am.** This is a hybrid meeting and Members may also attend remotely.

The meeting will be webcast and a live stream can be viewed on the Council's website.
<https://aberdeen.public-i.tv/core/portal/home>

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

MOTION AGAINST OFFICER RECOMMENDATION

- 1.1. Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

DETERMINATION OF URGENT BUSINESS

- 2.1. Determination of Urgent Business

DECLARATION OF INTERESTS AND TRANSPARENCY STATEMENTS

- 3.1. Members are requested to intimate any declarations of interest or connections

MINUTES OF PREVIOUS MEETINGS

- 4.1. Minute of Meeting of the Planning Development Management Committee of 5 December 2024 - for approval (Pages 7 - 10)

COMMITTEE PLANNER AND PLANNING DIGEST

- 5.1. Committee Planner (Pages 11 - 14)
- 5.2. Planning Digest (Pages 15 - 18)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1. Listed Building Consent - Internal alterations to layouts to provide community hub with renewed services and welfare facilities including formation of tea prep area alterations floors, partitions and doors, installation of fire suppression system, vents; external lighting and signage replacement with associated works - West Church Of St Nicholas, Back Wynd, Aberdeen (Pages 19 - 36)

Planning Reference – 240987

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Alex Ferguson

- 6.2. Detailed Planning Permission for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people - 40 Urquhart Road Aberdeen (Pages 37 - 50)

Planning Reference – 241252

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Esmond Sage

- 6.3. Detailed Planning Permission for the change of use of flat to short term let accommodation with maximum occupancy of 3 people - 116 Dee Village, Millburn Street, Aberdeen (Pages 51 - 64)

Planning Reference – 241277

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Roy Brown

DATE OF NEXT MEETING

- 7.1. Thursday 13 March 2025 - 10am

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 Lynsey McBain, Committee Officer, on 01224 067344 or email lymcbain@aberdeencity.gov.uk

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Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis. It is important that the reasons for approval or refusal of all applications and any conditions to be attached are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 29.11 the Convener can determine whether a motion or amendment is competent and may seek advice from officers in this regard. With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. The Convener will usually call a short recess for discussion between officers and Members putting forward an alternative to the recommendation.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 5 December 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Boulton, Clark, Copland, Henrickson (as substitute for Councillor Alphonse), Lawrence and Macdonald.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 7 NOVEMBER 2024

1. The Committee had before it the minute of the previous meeting of 7 November 2024, for approval.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 14 NOVEMBER 2024

2. The Committee had before it the minute of the Planning Development Management Committee visits of 14 November 2024, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE BUSINESS PLANNER

3. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance.

The Committee resolved:-

- (i) to note the reason for the delay for item 5 (Draft Aberdeen Guidance - Wind Turbine); and
- (ii) to note the committee business planner.

PLANNING APPEAL DIGEST

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

5 December 2024

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which provided an update in relation to various planning appeals.

The report informed Members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) had received or decided since the last Planning Development Management Committee meeting and also listed appeals that were still pending.

The Committee resolved:-

to note the information contained in the planning appeal digest.

201 UNION STREET ABERDEEN - 240947

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for change of use from class 1A (shops, financial professional and other services) to class 3 (food and drink) and installation of extract vent to rear flat roof, at 201 Union Street Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) ODOUR MITIGATION

That the Class 3 (food and drink) use hereby approved shall not occur unless a detailed specification in line with the Noise and Odour Impact Assessment (Ref: 3339212314 – V4) for the local extract ventilation (LEV) system has been submitted to and approved in writing by the planning authority in consultation with ACC – Environmental Health, and thereafter that the LEV system shall be installed in full accordance with the approved detailed specification, and evidence of its installation has been submitted to, and confirmed in writing by the planning authority.

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5 December 2024

The specifications of the LEV system shall meet the requirements for a 'very high level of odour control' as detailed in the EMAQ guide on 'The Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

Reason – to protect the amenity afforded to the residential properties above and ensure acceptable noise mitigation measures are the responsibility of the developer.

(03) NOISE MITIGATION

That the Class 3 (food and drink) use hereby approved shall not occur unless the noise mitigation measures have been installed in full accordance with the mitigation measures set out in the Noise and Odour Impact Assessment (Ref: 3339212314 – V4), and evidence of their installation has been submitted to, and confirmed in writing by the planning authority. These measures shall include the following:

- That the inlet and outlet fan or a combination of the fans and a silencer(s) do not exceed the notional sound power level figures shown in Table 13 of the Noise and Odour Impact Assessment (Ref: 3339212314 – V4).
- That the fans are installed internally in the premises.
- That the ventilation flue inlet and outlet are circular in shape, with a diameter of 0.45 metres and have no obstructions such as a metal 'hat' attached to the end.
- That the ventilation outlet is at least 6 metres from any receptor window.
- That the ventilation system only operates between the hours 10:00 and 23:00.
- That where a silencer is used, it must be installed on the atmospheric side of the fan and include polyester film to avoid deterioration from grease.
- That the existing ceiling is repaired (as detailed in Section 7.10) and the new independent acoustic ceiling has been installed in full (as detailed in Section 7.11 and Drawing No. 7171 - L(00)03B)

Reason – to protect the amenity afforded to the residential properties above and ensure acceptable noise mitigation measures are the responsibility of the developer.

(04) CYCLE PARKING SPACES

That the unit shall not be brought into use unless the cycle storage has been formed, in accordance with the Proposed Site Plan approved with this application (Ref: L(00)09A).

Reason – to incentivise sustainable and active travel to the premises.

(05) HOURS OF OPERATION

That the use hereby approved shall only be in operation within the hours of 10:00 and 23:00 hours on any given day.

Reason – to protect residential amenity.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

5 December 2024

(06) REMOVAL OF REDUNDANT EQUIPMENT

That should the class 3 use cease, the external extract fan extract flue shall be removed in its entirety and the roof be reinstated to its present condition within six months of the use ceasing, or a time period to be agreed in writing by the planning authority.

Reason – in the interests of the architectural and historic interest of the listed building and the City Centre Conservation Area.

The Committee heard from Roy Brown, Planner, who spoke in furtherance of the application and answered various questions from Members.

The Committee resolved:-

to approve the application conditionally with an extra advisory added to read:-

For the benefit of any doubt, this planning permission does not grant the change of use of the application site to a hot food takeaway / use for the sale of hot food and drink off the premises. The material change of use to such would require planning permission separately.

- **Councillor Ciaran McRae, Convener**

	A	B	C	D	E	F	G	H	I	J
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.									
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred	
3			13 February 2025							
4	116 Dee Village - 241277	To approve or refuse the application for change of use of flat to short term let accommodation with maximum occupancy of 4 people		Roy Brown	Strategic Place Planning	Place	1			
5	First Floor Left, 40 Urquhart Road Aberdeen 241252	To approve or refuse the application for change of use of flat to Short Term let accommodation (sui generis) with maximum occupancy of 4 people		Esmond Sage	Strategic Place Planning	Place	1			
6	West Kirk of St Nicholas, Back Wynd - 240987	To approve or refuse the application for internal alterations to layouts to provide community hub with renewed services and welfare facilities including formation of tea prep area alterations floors, partitions and doors, installation of fire suppression system, vents; external lighting and signage replacement with associated works.		Alex Ferguson	Strategic Place Planning	Place	1			
7			13 March 2025							
8	33 Hopetoun Court - 241488	To approve or refuse the application for extension of existing garage to rear		Jane Forbes	Strategic Place Planning	Place	1			
9			23 April 2025							
10	Article 4 Directions	At the meeting on 19 September 2024, it was agreed to instruct the Chief Officer – Strategic Place Planning to report the outcomes of the public consultation and any proposed recommendations on the Article 4 Directions to a subsequent Planning Development Management Committee within the next six months.		Laura Robertson	Strategic Placing Planning	Place	5			
11			20 May 2025							
12			19 June 2025							

	A	B	C	D	E	F	G	H	I	J
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred	
2										
13	Draft Aberdeen Guidance - Wind Turbine	At the Council meeting on 3 November 2023, it was agreed to instruct the Chief Officer - Strategic Place Planning to update the draft Aberdeen Planning Guidance on Wind Turbine Development in light of consultation responses received and the policy shift within NPF4 and incorporate it within draft Aberdeen Planning Guidance on Renewable Energy Development, a draft of which should be reported to the Planning Development Management Committee within 12 months.		David Dunne	Strategic Place Planning	Place	5			
14			21 August 2025							
15			25 September 2025							
16			06 November 2025							
17	Annual Effectiveness Report	To report on the annual effectiveness of the committee		Lynsey McBain	Governance	Corporate Services	GD 8.7			
18			04 December 2025							
19			Future applications to PDMC (date of meeting yet to be finalised.							
20	Rosehill House, Ashgrove Rd West - 230414	To approve or refuse the application for McDonald's Restaurant/takeaway		Lucy Greene	Strategic Place Planning	Place	1			
21	Waterton House Abereen - 230297	To approve or refuse the application for PPP for 16 residential plots		Lucy Greene	Strategic Place Planning	Place	1			
22	Land At Greenferns Landward (OP 22), to the South of Kepplehills Road Newhills, Aberdeen - 240216	To approve or refuse the application for residential development comprising around 435 homes, open space, landscaping and supporting infrastructure		Gavin Clark	Strategic Place Planning	Place	1			
23	Land North Of Aryburn Farm, Dyce, Aberdeen - 241197	To approve or refuse the application for erection of battery storage units with associated infrastructure, control building, switch room, inverter containers, lighting, fencing and associated works including access road		Gavin Clark	Strategic Place Planning	Place	1			

	A	B	C	D	E	F	G	H	I	J
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred	
2										
24	1 Anderson Avenue - 241094	To approve or refuse the application for change of use to class 1A (shops and financial, professional and other services), alterations to frontage to install sliding door and glazing infill, form slap to install side door, build up doors and all other associated works		Rebecca Kerr	Strategic Place Planning	Place	1			
25	The Works, the Bush - 241112	To approve or refuse the application for replacement of workshop building (in Class 5 use) and associated works		Roy Brown	Strategic Place Planning	Place	1			
26	Former AECC - 240850	To approve or refuse the application for MSC		Lucy Greene	Strategic Place Planning	Place	1			
27	James Hutton Institute - 241146	To approve or refuse the application for formation of car park		Roy Brown	Strategic Place Planning	Place	1			
28	Stoneywood House - 241406	To approve or refuse the application for change of use to form 5 residential apartments, erection of single storey side extension and the erection of 8 dwelling houses with associated access, landscaping and works		Roy Brown	Strategic Place Planning	Place	1			
29	490 King Street - 241451	To approve or refuse the application for extension to form 21 Student Flats		Robert Forbes	Strategic Place Planning	Place	1			
30	Planning Guidance	At the meeting on 15 May 2024, it was agreed to request that the Chief Officer – Strategic Place Planning, investigate the possibility of putting in place guidance to clarify the issue of drive thru restaurants in the context of Policy 27(d) of National Planning Framework 4 and report back to this Committee in due course.		David Dunne	Strategic Place Planning	Place	5			
31	Draft Aberdeen Planning Guidance: Health Impact Assessments	At the meeting on 20 June 2024, it was agreed to instruct the Chief Officer - Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Aberdeen Planning Guidance to a subsequent Planning Development Management Committee within six months of the end of the consultation period.		Donna Laing	Strategic Place Planning	Place	5			

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Planning Development Management Committee

13 February 2025

Planning Appeals Update

This report informs Planning Development Management Committee (PDMC) members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) has received or decided since the last PDMC meeting. It also lists appeals that are still pending.

Notified Application

Application Reference	231371/PPP
Address	Land At Coast Road, St Fittick's Park/ Gregness Headland/Doonies Farm
Description	Proposed Business / Industrial Development (Class 4/5/6); Road Infrastructure; Active Travel Connections; Landscaping And Environmental Works Including Drainage And Other Infrastructure
History	PDMC of 4 November 2024 indicated a willingness to approve the application. Referral to the Scottish Ministers due to an objection by the Scottish Environment Protection Agency.
Decision	Confirmed on 19 December 2024 that no intention to intervene and unauthorised planning authority to take forward the application. Planning approval decision notice issued on issued by ACC on 24 January 2025.
DPEA weblink	Scottish Government - DPEA - Case Details

Appeals Determined

Type of appeal	Planning Permission	Application Reference	
Address	Alba Gate, Stoneywood Park		
Description	Re-Development Of Site To Include Change Of Use To Form A Mixed-Use Of 4 Business Units (Class 4), 2 Ancillary Cafe/Restaurant Units (Class 3) With Drive Thru Takeaway (Sui Generis), Electric Vehicle Charging Hub, Car Parking, Soft Landscaping And Associated Works		
History	Refused by Planning Development Management Committee of 15 May 2024		
DPEA Decision	<p>Appeal allowed and planning permission granted.</p> <p>Concludes that, due to the site's land use zoning the proposed development does not accord overall with the relevant provisions of the development plan. Nevertheless granting planning permission is still justified. There is a clear lack of demand for redeveloping the building/ site for purely Class 4 use, and there appears to be genuine difficulty in delivering an alternative use(s) for the existing building. The parties acknowledge the healthy supply of employment land across the city and the proposal's limited impact on available employment land. All these factors present an opportunity to consider allowing alternative proposals on the site. The site's location lends itself to the proposed mix of uses without impacting on the operation of the industrial estate; the proposal provides important amenity and economic benefits for the surrounding area as well as benefits derived from the EV charging hub</p>		
DPEA weblink	Scottish Government - DPEA - Case Details		

Type of appeal	Listed Building Consent	Application Reference	231347/LBC
Address	Kingswells House, Skene Road		
Description	Removal Of Existing Extension And Forming A Replacement; Minor Internal Works And Repair And Maintenance Works		
History	Refused under delegated powers on 9 July 2024		
DPEA Decision	<p>Appeal allowed and Listed Building Consent granted.</p> <p>The proposed development would preserve the listed building and the special features of architectural or historic interest which it possesses and that there are no material considerations that would justify refusing consent.</p>		
DPEA weblink	Scottish Government - DPEA - Case Details		


Type of appeal	Enforcement Notice	Application Reference	N/A
Address	Duncansgate, 26 Hopetoun Grange		
Description	Erection of boundary fencing exceeding 1m in height		
History	Enforcement Notice served on 3 September 2024		
DPEA Decision	Appeal dismissed. Directs that the enforcement notice be upheld subject to a variation in the date for compliance to 12 February 2025		
DPEA weblink	Scottish Government - DPEA - Case Details		

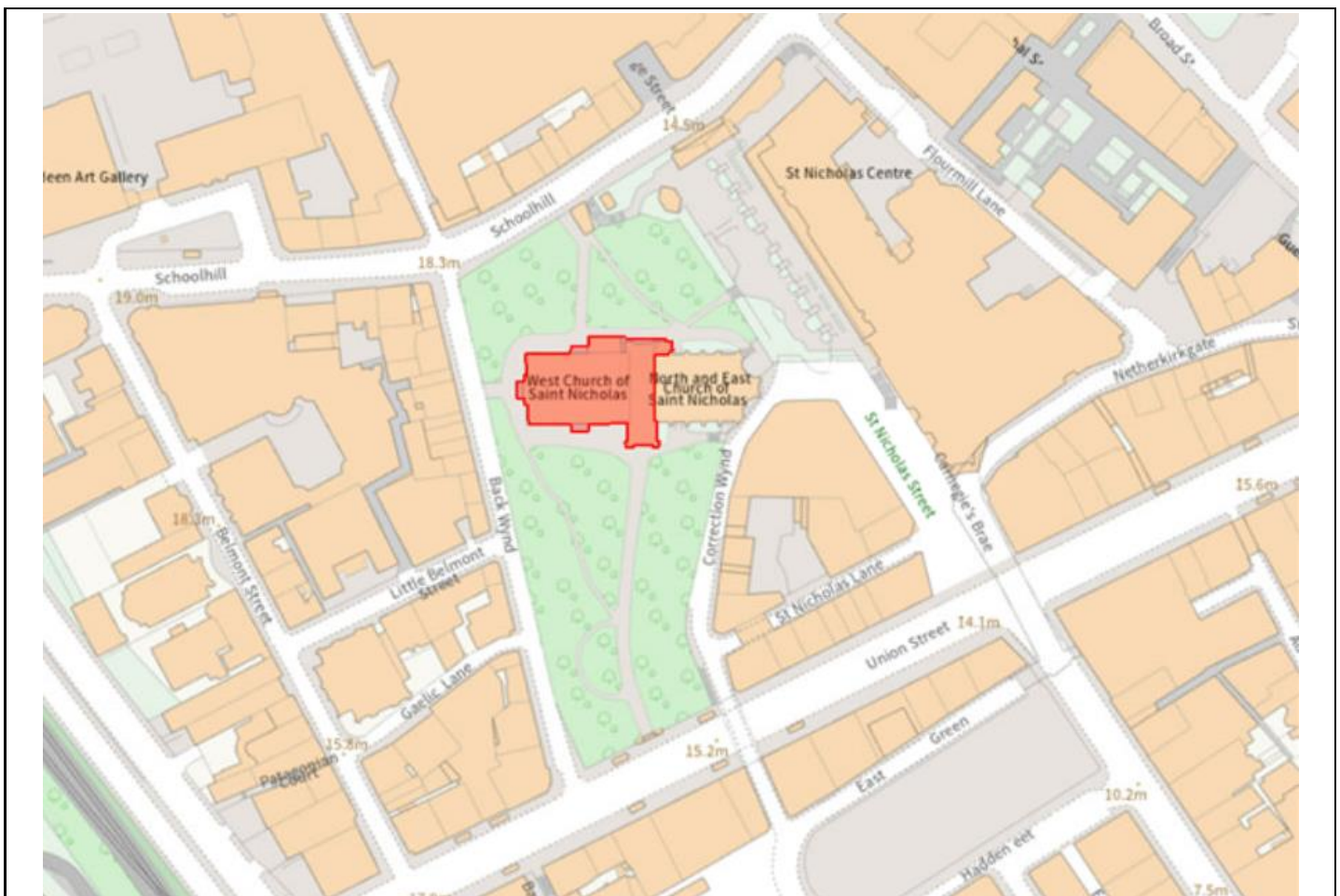
Appeals Pending

Type of appeal	Planning Permission	Application Reference	240614/DPP
Address	Land At Newton Of Pitfodels		
Description	Installation Of A Grid Battery Energy Storage Facility (Up To 40Mw		
History	Refused by Planning Development Management Committee of 19 September 2024		
DPEA weblink	Scottish Government - DPEA - Case Details		

Type of appeal	Advertisement Consent	Application Reference	240624/ADV
Address	Osborne House, 27-30 Carden Place,		
Description	Installation Of 1 Non-Illuminated Free Standing Sign (Retrospective)		
History	Refused under delegated powers on 29 August 2024		
DPEA weblink	Scottish Government - DPEA - Case Details		

Type of appeal	Planning Permission	Application Reference	240488/S42
Address	Land South Of North Deeside Road, Milltimber		
Description	Variation Of Condition 3 (Scale Of Development - Residential) Of Application Reference 200535/Ppp To Increase The Maximum Number Of Residential Units From 80 To 99		
History	Refused by Planning Development Management Committee of 20 June 2024		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 13 February 2025
Site Address:	West Church Of St Nicholas, Back Wynd, Aberdeen AB10 1JZ
Application Description:	Internal alterations to layouts to provide community hub with renewed services and welfare facilities including formation of tea prep area alterations floors, partitions and doors, installation of fire suppression system, vents; external lighting and signage replacement with associated works
Application Ref:	240987/LBC
Application Type	Listed Building Consent
Application Date:	22 August 2024
Applicant:	Edinburgh Palette
Ward:	George Street/Harbour
Community Council:	City Centre



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises the western and central sections, including the tower, of the category 'A' listed Kirk of St Nicholas. The West Kirk dates from the mid-18th Century (having replaced a much earlier church building on the same site) whilst the central tower and steeple date from the late 19th Century. The East Kirk, completed in 1837, does not form part of the application site.

The West Kirk is a five-bay buttressed, crocketed and finialled former church building (the congregation ceased to function in December 2020). Internally the building is a rare survival of a predominantly unaltered 18th century interior, with oak panelling, decorative pulpit and communion table, and a significant number of pine boxed pews, arranged in square-plan at both ground and first-floor (gallery) levels. A large organ sits prominently at the eastern end of the first floor gallery.

The building's north and south transepts form a central space, respectively named the Collison and Drum Aisles. St John's Chapel in the north transept was adapted in 1989-90 to become the Oilman's Chapel, in dedication to 25 years of the North Sea oil industry. It features bespoke woodwork comprising a screen, high-backed chairs, a table and a lectern, which are made from laminations of different coloured hardwoods.

Relevant Planning History

P150831 & P150832 – Listed building consent and planning permission were granted, respectively, for the construction of an external ramp and the replacement of an external door set on the northern elevation of the West Kirk in 2015.

P160474 – Consent was granted for the removal of Condition 1 (implementation of a programme of archaeological work in accordance with a written scheme of investigation) of planning permission P150832 in 2016.

P160475 – Listed building consent was granted in 2016 for the construction of an external ramp and replacement of external door set on the northern elevation of the West Kirk (partially retrospective, as an alteration of permission P150831) in 2016.

240988/ADV – Advertisement consent was granted in October 2024 for the installation of new external signage (that also forms part of this listed building consent application).

APPLICATION DESCRIPTION

Description of Proposal

Listed building consent is sought for various internal works to the building, as well as for the installation of new external signage, in order to facilitate its new use by the applicant, Edinburgh Palette (soon to be rebranded as 'ScotArt') as a multi-purpose non-residential institution, providing a flexible and supportive environment for the local community and associated charitable bodies. The types of activities anticipated for the new use of the building include the following:

- Incubator hubs where individuals can share workspaces, interact, collaborate and exchange ideas (e.g. for the local creative arts community);
- Studio, office and workspace;
- Exhibitions and market stalls;

- Foodbanks and community welfare services;
- Workshops and skills development; and
- Concerts, services, performances, graduations and other local community / organisation events.

In order to facilitate the proposed new use of the building, the following physical works are proposed:

- Removal of a portion of the original pitch pine boxed pews, with pews to be removed from the easternmost portion of the nave and from the northern aisle at ground floor level, along with associated sections of raised timber flooring;
- Replacement of an existing partition wall and door at the eastern end of the nave with a new partition wall and pocket doors, along with the alteration and re-use of associated pews and bible shelves – to form a back-of-house tea preparation area;
- Installation of new heating equipment, with some new radiators in the West Kirk and new wall-mounted infrared heating panels to be installed below the cornices in the Drum Aisle;
- Installation of new lighting in the Drum Aisle, with multiple buff-coloured up-and-down lighters to be affixed to the walls below the cornices;
- Installation of a 'Halo' chandelier to be suspended from the ceiling in the crossing space between St John's Chapel and the Drum Aisle, to provide both heating and lighting;
- Installation of new CCTV cameras in the West Kirk, northern extension, St John's Chapel and Drum Aisle. The cameras would be small-scale, mounted at a high-level and their casings coloured buff to match the existing stonework;
- Subdivision and refurbishment of the non-original, single-storey flat-roofed northern extension (containing the vestry and a kitchenette), to create new toilets and a kitchen;
- Fire suppression upgrades to existing doors (smoke seals, draught proofing and fire resistant varnish) and the installation of an 'i-Mist' fire suppression system within the tower; and
- Installation of new external signage, comprising three small-scale timber sign boards to be affixed adjacent to doorways on the southern and western elevations.

Amendments

In agreement with the applicant, the following amendments were made to the application:

Amended plans submitted for tea-prep area partition wall and doors, and additional information submitted in relation to CCTV cameras, fire suppression, lighting and heating.

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=SIK90VBZISB00>

- Heritage Statement
- Proposed Services Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because six or more timeous representations have been received containing material considerations that express objection or raise concern about the proposals.

CONSULTATIONS

Archaeology Service (Aberdeenshire Council) – No objection. Welcome the carefully considered approach to retaining, maintaining and promoting the vast majority of the historical fabric and artefacts of the church. The removal and relocation of some of the box pews to Robert Gordon's College is considered to be acceptable, both as a means of allowing the building to be adapted into a sustainable new use with minimal loss, and as a solution given the long-standing historical connection between the college and the church.

Given the likelihood of burials immediately below the existing floor level, the intention to use existing service ducting where possible is welcomed, although it cannot be ruled out that some groundworks may be required. As such, it is recommended that two conditions are applied to any grant of consent, requiring the submission of written schemes of investigation (WSI) informing how an appropriate programme of archaeological mitigation will be carried out for any ground-breaking works, and also informing how an appropriate programme of archaeological recording will be carried out on the pews that are to be removed, prior to the removal. The survey shall focus, in particular, on the historic graffiti carved on the pews. Further details of the recommended conditions are set out below.

Historic Environment Scotland (HES) – No objection. HES welcome, in principle, the repurposing of the West Kirk of St Nicholas (including the Drum Aisle and Tower) as a flexible space for the community, because this should secure a sustainable future for this part of the building, one of the most historically significant in Aberdeen. HES accept that removing some of the box pews in the side aisles and nave is a practical way to create the required space. HES have also provided more detailed comments on various aspects of the proposals, which can be summarised as follows:

Background

It is understood that the West Kirk was last used as a place of worship in December 2020 and was sold by the Church of Scotland earlier this year (2024). Pre-application advice was given in August 2023 and it was unclear at that stage if the proposal was the least harmful viable option for reusing the building for its intended new use, and further explanation and justification for removing fixtures like boxed pews and the organ was encouraged.

Internal Fixtures (pews and organ)

Whilst the 18-century box pews make an important contribution to the interior's character, HES accept that removing the selected examples is a practical way to obtain the required space. The pre-application enquiry proposed to remove the last three rows on the north and south of the gallery, and the amendment to retain those pews (and the organ) is welcomed. The retention of the pews along the central aisle in the ground floor nave would maintain a clear and immediate appreciation of the building's original ecclesiastic use.

The removal of the rest of the ground floor pews would provide the open floor space needed to give the building a meaningful and sustainable future, whilst doing the least possible harm to the special interest of the interior, which would retain other significant fixtures, including the remaining pews, pulpit and organ.

Tea-Preparation Area

The proposals to convert an existing store east of the nave into an accessible tea-preparation area, are acceptable. There were previously pews in this position and the current door

configuration is not original. However, forming a new, wide opening into the proposed tea point would not be sensitive to the formal architectural character of the Kirk. If doors are considered to limit the functionality of the space, HES suggest that some kind of screen is installed in front of the opening, to provide a suitable termination to this important initial views and conceal the functional area behind.

New Suspended Heating / Lighting

HES recommend that more detailed information is sought to help assess the physical and visual impact of the proposed fixings for the new wire-suspended heating panels and strip lighting in the Drum Aisle and central crossing, where the ceilings are decorative and add considerably to the character of the Kirk. HES advise mitigating any potential damage by exploring alternative options, such as fixing new installations to the rubble walls.

Service Upgrades / Additions

There are multiple proposed upgrades to internal services, security and safety measures, including upgrading doors in the Drum Aisle, the fire suppression system in the tower, new CCTV in the West Kirk, and alterations to the heating, lighting, and electric systems throughout. Such alterations have the potential to be physically and visually harmful. HES request that all such works are discreetly located and do not harm the Kirk's architectural and historic character, and that existing service routes are used where possible, to avoid raising flagstones and disturbing any underlying archaeology.

City Centre Community Council – No comments received.

REPRESENTATIONS

Seven representations have been received, six objecting to the application and one in support. The matters raised can be summarised as follows –

Concerns

- The West Kirk interior is one of the few examples of a substantially unaltered 18th century church interior in Scotland and is a very important building in Aberdeen. The removal of a large proportion of the pews would destroy/ significantly harm the special character, architectural and historic interest of the building, contrary to Historic Environment Policy for Scotland and Policy D6 (Historic Environment) of the Aberdeen Local Development Plan, which state presumptions in favour of the retention of historic fabric;
- The applicant incorrectly claims ownership of the boiler house, which is scheduled for demolition in due course. Furthermore, the applicant aims to have complete separation between the two parts of the building, so a location for the boilers within the West Kirk/Drum Aisle should be identified because it has further implications; and
- There remain many unresolved matters of detail which make it impossible to welcome the application. The complexity of the building and its contents require reflection and further detail before a judgement can be made. Historic Environment Scotland are of the same opinion.

Comments in support

- St Nicholas Kirk is arguably the most significant historic building in Aberdeen and it is in danger of falling into rapid decay and dereliction. The retention of all of the box pews seems impractical if the space is to be repurposed. There is an example, in Norwich, of a former church where the pews were removed but the remainder of historic fixtures have been retained to be enjoyed by visitors;
- The kirkyard at St Nicholas Kirk is blighted by anti-social behaviour and the proposed new use may help to combat this;
- It is good that much of the heritage is to remain and be made accessible to the public;
- The intention to undertake a thorough survey of the building by experts at the Robert Gordon University is welcomed; and
- Given the alternative of allowing the building to fall into ruin, the proposal is consistent with Policies D1 (Quality Placemaking), D6 (Historic Environment), CF1 (Existing Community Sites and Facilities) and T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023.

MATERIAL CONSIDERATIONS**Legislative Requirements**

Where a proposal affects a listed building, sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development PlanNational 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 7 (Historic Assets and Places)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D6 (Historic Environment)

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Guidance on the Principles of Listed Building Consent
- Managing Change in the Historic Environment (MCHE):
 - Asset Management
 - Interiors
 - Shopfronts and Signs
 - Use and Adaptation of Listed Buildings

Other Material Considerations

- City Centre Masterplan (CCMP)
- City Centre Conservation Area Character Appraisal

EVALUATION

Key determining factors

The key determining factors in the assessment of this application are whether the proposed works would either preserve or enhance the special architectural or historic interest of the listed building, and the character and appearance of the conservation area.

Impact on the special character of the listed building

Policy context

Historic Environment Policy for Scotland (HEPS), Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4) and Policy D6 (Historic Environment) of the Aberdeen Local Development Plan all incorporate the high-level aim of ensuring that new development either preserves or enhances the character, special architectural or historic interest, and setting of listed buildings, which aligns with the requirements of planning authorities in determining applications for listed building consent, as set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

However, whilst there is a presumption against development that would harm the special architectural or historic interest of a listed building, Policies HEP3 and HEP4 of HEPS note that there may be instances where some detrimental impacts on the historic environment are unavoidable. In such instances, steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place. Policy HEP5 requires decisions affecting the historic environment to contribute to the sustainable development of communities and places, and Policy HEP6 states that decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities.

Whilst seeking to preserve and enhance the historic environment, Policy 7 of NPF4 acknowledges that change will sometimes be required and is supportive, in principle, of bringing redundant or neglected buildings back into sustainable and productive uses.

Historic Environment Scotland's (HES) 'Managing Change in the Historic Environment' (MCHE) guidance on Use and Adaptation of Listed Buildings notes in its 'key messages':

4. *For a building to stay in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect of them. This should always be considered carefully and avoid harming the building's special interest. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.*
5. *Alterations to a building, even if they are extensive, will be better than losing the building entirely. If the only way to save a building is a radical intervention, we have to avoid being too cautious when we look at the options. If a building might be totally lost, we should be open to all the options to save it.*
6. *Keeping a listed building in use has wider benefits. Listed buildings contribute to their wider surroundings and community. They can influence proposals for new development, and inspire positive change. They teach us about what people value in the places they live, work, and spend time in, and so they help us to build successful places.*

Paragraph 15 of HES's Interim Guidance on the Principles of Listed Building Consent also notes the following:

'Where a proposal involves alteration or adaptation which will have an adverse or significantly adverse impact on the special interest of the building, planning authorities, in reaching decisions should consider carefully:

- a. *the relative importance of the special interest of the building; and*
- b. *the scale of the impact of the proposals on that special interest; and*
- c. *whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest; and*
- d. *whether there are significant benefits for economic growth or the wider community which justify a departure from the presumption set out in paragraph 8.'*

It is thus apparent that although national and local policy and guidance requires the character and special architectural and historic interest of listed buildings to be preserved or enhanced, there is an acknowledgement that change is often necessary to ensure that such buildings are either kept in, or brought back into, a sustainable use which benefits the historic environment and the wider community in the long term. Where change is proposed that would cause some harm, however, it must be demonstrated that the changes sought have been carefully considered and would cause the least harm possible.

In addition to the aforementioned policies applicable to the historic environment, Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 is also relevant in this instance. Policy 9(a) states: *'Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.'*

Identifying the building's character and special architectural and historic interest

Before assessing whether the proposed works would cause any harm to the character, special architectural and historic interest of the building, it is first necessary to identify the elements that contribute towards that character and interest.

The Kirk of St Nicholas is category 'A' listed – a building of national historic significance – and lies

at the heart of Aberdeen City Centre. The largely unaltered, original 18th Century interior of the West Kirk contributes significantly towards the building's special character and historic interest. One of the interior features which contributes towards that character and interest are the many rows of dark-brown stained, pitch pine boxed pews which dominate the floorspace of the ground and first-floor levels of the West Kirk and are understood to be original, dating from the Kirk's construction in the mid-18th Century. Another feature that contributes towards the building's special character is the grand main organ positioned at first-floor level, behind the Lord Provost's Corinthian columned decorative canopy, as well as a number of stained glass windows, dating from the late 19th to mid-20th centuries. The north and south transepts form a central space, respectively named the Collison and Drum Aisles. St John's Chapel in the north transept was adapted in 1989-90 to become the Oilman's Chapel, in dedication to 25 years of the North Sea oil industry.

Externally, the light grey granite walled, lead roofed building incorporates a central steeple which occupies a prominent position in Aberdeen's skyline, at the heart of the city centre.

The impacts of the proposed works on the special character of the building are assessed, in turn, as follows:

Removal of original boxed pews

The boxed pews that line either side of the central nave on the ground floor level, as well as the northern and southern galleries at first floor level, are understood to be predominantly original, dating to the mid-18th century. They are constructed of pitch pine, stained a dark brown, and a significant number of them incorporate hand-carved graffiti, some of which is historic, dating back to the 18th century, although the majority of carved graffiti is found on the first floor level gallery pews. The pews not only contribute towards the special character and historic interest of the building in terms of their age, and use, integral to the former ecclesiastic use for over 200 years, but they also form a very strong focal point architecturally inside the building, taking up much of the ground-floor floor space in the West Kirk. Their removal, in their entirety, would significantly alter the way in which the Kirk's interior would be read, understood and appreciated by users of the building.

As part of the intended new use of the building (excluding the East Kirk, which is under separate ownership) as a multi-purpose non-residential institution, it is proposed to remove a number of the pews is required in order to free up some floor space for alternative, flexible uses, such as providing incubator hubs for individuals and small businesses, display space for exhibitions and other events, and for the provision of community support, including foodbank distribution points.

29 rows of boxed pews are proposed to be removed, all from the northern aisle of the ground floor and the eastern end of the nave, behind the slightly off-centre pulpit and elders' seating. There are approximately 90 rows of boxed pews on the ground floor level and a further c. 60 rows on the first floor level galleries. As such, the number of pews to be removed would comprise approximately one third of the total at ground floor level, and just one fifth of the total number of pews across both floors – representing a minority of the pews overall.

Due care and attention has also been paid by the applicant, ensuring that the pews proposed for removal would maximise the useability of the building for the new use whilst minimising harm to the special character and interest of the building, as far as is practicable. The pews to be removed would all be at ground floor level, which would be the most obviously useable, and accessible, place for the new functions, events and services to be provided. Although the interventions would be located at ground floor level, the pews lining either side of the nave between the main entrance (at the western end of the building) and the pulpit, arguably the most important, would be retained.

This would ensure that the building's original ecclesiastic use would still be clearly read and understood by users upon entering the building and moving along the nave.

The pews to be removed would be taken from the slightly less prominent and significant areas of the ground floor in terms of how the building's interior is used and appreciated but nevertheless, it is acknowledged that the removal of the pews would cause some harm to the special character and interest of the building. However, when taking into consideration the need for the building, which ceased to operate as a church in 2020 apart from occasional services, to be adapted in order to allow it to function viably in a new, sustainable use, it is considered that the removal of the pews identified is acceptable, on balance.

The proposed new use of the building would not only retain a significant portion of the original pews in situ, but it would also provide flexible spaces and services for use by the wider community, and thus complies with Paragraph 15(d) of HES's Interim Guidance on the Principles of Listed Building Consent which allows planning authorities, in assessing alterations or adaptations which will have an adverse impact on the special interest of a listed building, to consider whether there would be significant benefits for economic growth or the wider community.

In relation to criterion (c) of Paragraph 15 of HES's Interim Guidance on the Principles of Listed Building Consent, which requires consideration to be given to: '*whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest*', the applicant has submitted, as part of their supporting Heritage Statement, a letter from the General Trustees of the Church of Scotland, who have confirmed that there was no significant alternative viable owners or use for the building other than the applicant and now owner, Edinburgh Palette. The Planning Service acknowledges that given the building ceased to function as a regular place of worship in 2020 and there has been no viable proposal for the re-use of the building for that purpose since, it is clear that some level of intervention will be required to allow some larger areas of flexible, useable floor space. The retention of all of the existing boxed pews, which take up the vast majority of the ground floor area, as well as the first floor level galleries, is thus not considered to be compatible with the proposed new use, nor likely with any other future viable use for the building.

Additionally, the applicant has also advised in their Heritage Statement that the pews, once removed from the building, would not be disposed of but rather there is an agreement in place with the nearby Robert Gordon's College (which has historic links to the Kirk) that would see the pews relocated to their MacRobert Hall building, as part of a planned refurbishment. As such, rather than being destroyed, the pews would find a sustainable new use in an appropriate setting elsewhere within the city centre of Aberdeen and their re-use nearby would allow the potential for their reinstatement to the West Kirk in future, if desired. The applicant also advises that some pews could potentially be relocated and repurposed elsewhere in the building, for example as display units for showcasing artwork in the Drum Aisle.

As part of the removal of the pews, it is also proposed to remove sections of non-original built-up timber raised floor underneath the pews, following which the original flagstone floor finish below would be revealed. These works would not harm the special character or interest of the building, although a condition is required in order to secure a methodology for these works, to ensure that the original floor would not be damaged or disturbed during the course of the works.

Tea-preparation area

It is proposed to form a new back-of-house tea-preparation area in a room that is currently used for storage at the eastern end of the nave. As part of the works required to facilitate its conversion to a tea-prep area, it is proposed to remove the existing partition wall, door and shelving, and to

erect a new partition wall slightly further forward, with a new central set of double timber panelled pocket doors, with Douglas fir architraves, to match existing. The sliding pocket double doors would enable accessibility to and from the tea-prep area whilst also providing an appropriate termination for important views along the nave, with the doors of a traditional panelled design and able to be closed at times when the tea-prep area is not in use. The new partition wall would also be of an appropriate design, with panelling to match existing, and incorporating the retention and slight modification of the existing front pews and bible shelves to fit the western side of the wall, facing the nave.

Initially it was proposed to have an open-plan access to the tea-prep area, with no doors to screen the utilitarian sink and associated wall and base units. However, following feedback from Historic Environment Scotland and the Planning Service in relation to the adverse impact that an open-aspect view of the utilitarian tea-prep area could have on important views along the nave, the applicant agreed with the need for a more appropriate method of screening to the tea-prep area and subsequently amended the proposals via the submission of amended plans.

The applicant's need for the proposed replacement of the existing partition wall and door at the eastern end of the nave is understood and due care has been taken in the amended proposals to ensuring that any harm caused to the special character and interest of the building resulting from the works would not be significant.

Installation of new heating, lighting and CCTV

It is proposed to upgrade the heating and lighting systems in the building, particularly in the Drum Aisle where there is no heating at present. It is proposed to install multiple infrared heating panels to the walls on either side of the Drum Aisle at high level, below the stonework cornices, as well as up-and-down lighters to provide enhanced lighting. Whilst relatively utilitarian in their appearance, the heating and lighting fixtures would be relatively small-scale and discreetly sited at high level, without being affixed to, or obscuring, any features of special architectural or historic interest.

A 'Halo' chandelier is proposed to be suspended centrally from the ceiling within the crossing space between St John's Chapel and the Drum Aisle. The chandelier would be of a traditional form, albeit of a contemporary design, and would provide both heating and lighting for the crossing, with minimal fixtures and fixings to the walls and ceiling. The chandelier would be removeable and the works reversible if required in future, and the works would not cause any significant harm to the special character or interest of the building.

The existing heating and lighting (via ceiling-mounted suspended panels) in St John's Chapel is proposed to be repaired, with no alterations or additions proposed in that area.

Five CCTV cameras are proposed to be installed throughout the building, with two in the West Kirk at ground floor level, one in the northern extension and one each to be installed in St John's Chapel and the Drum Aisle respectively. The cameras would all be installed at a relatively high-level, would be small-scale and their casings would be painted a buff colour to match the surrounding stonework to which they would be affixed. A condition is required in order to ensure that any associated cabling for the CCTV cameras (and the aforementioned heating and lighting fixtures) would be routed and coloured as discreetly as possible but subject to confirmation of those details, the proposed new heating, lighting and CCTV camera fixtures would be of an appropriate design, scale and siting that would ensure the works would not have any significant impact on the special character, architectural and historic interest of the building.

Fire suppression upgrades

It is proposed to upgrade the three existing sets of timber double doors that connect St John's Chapel and the Drum Aisle with the East Kirk next door, owned by the Open Space Trust. The proposed upgrades include the installation of smoke seals, draft proofing measures and the application of a clear varnish to upgrade the doors to provide a 60-minute fire rating in the event of a fire. These works would not alter the appearance of the existing doors and would thus not affect, and would therefore preserve, the special character and interest of the building.

It is also proposed to install an 'i-Mist' fire suppression system (comprising multiple ceiling-mounted nozzles that spray a high pressure water mist in the event of a fire) on the upper floor level within the tower, due to the increased potential for a fire in this location arising from the planned installation of various items of telecommunications equipment (already consented separately). The area of the tower where the i-Mist suppression system is proposed to be installed does not incorporate any features of special architectural or historic significance and these works would therefore preserve the special character and interest of the building.

Alterations to the northern extension

A small, single storey extension to the northern elevation of the building contains the vestry, a kitchenette and a toilet at present. The extension was added to the building in the mid-20th century and it does not contain any features of significant architectural or historic interest. The applicant proposes to remove the existing partition walls within in, in order to form a new kitchen and unisex toilets. Aside from the removal of an existing, non-original roof lantern and the making good of the flat roof, and the replacement of an external light above the entrance door, no other external alterations are proposed to the extension and the works to the extension, both internal and external, would preserve the special character and interest of the building.

External Signage

The three signs proposed to be affixed to the exterior of the building, adjacent to entrances on the southern and western elevations, would all be small-scale and relatively discreetly sited, whilst taking into consideration their purpose to advertise the new use of the building and their need to be visible. The signs would all be formed from 20mm thick timber frames, with 2mm thick acrylic inlays providing the logos and wayfinding directions to the nearest accessible entrance. The signs would be coloured dark blue with white text and logos, and they would utilise existing fixing points where possible, or otherwise be fixed into mortar joints, thus minimising damage to the historic stonework. The signs would be of an appropriate design, scale and siting such that they would preserve the special character and interest of the building.

Summary

To summarise, whilst the removal of a portion of the original boxed pews would cause some harm to the special character, architectural and historic interest of the building, the works are required in order to facilitate the conversion of the building for its new use, which would see the building brought back into a sustainable use with benefits for the wider community. Additionally, due care has been taken by the applicant to both minimise the number of pews proposed to be removed (whilst enabling the resultant space to function for their needs) and to ensure that the pews to be removed would largely be from areas of secondary importance to how the interior of the building and its original ecclesiastic use are understood and appreciated. The Planning Service is therefore satisfied that, on balance, although the removal of a portion of the original pews would cause some harm to the special character, architectural and historic interest of the building, that harm would be minimised as far as is practicable and is outweighed by the positive benefits to both the

building and the community that would be derived from the new use by the applicant.

The remainder of the works proposed to the building have all been carefully considered and would be of an appropriate design, scale and siting such that they would not adversely affect, and would thus preserve, the special character, architectural and historic interest of the listed building – in accordance with Historic Environment Policy for Scotland, Policy 7 (Historic Assets and Places) of National Planning Framework 4 and Policy D6 (Historic Environment) of the Aberdeen Local Development Plan 2023. The proposed works are also generally compliant with the technical advice set out in Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance.

Impact on the character and appearance of the conservation area

As well as being listed, the application site also lies at the heart of the City Centre Conservation Area. HEPS, Policy 7 of NPF4 and Policy D6 of the ALDP all seek to ensure that new development in conservation areas either preserves or enhances the character and appearance of the conservation area.

The only works proposed to the exterior of the building comprise the three small-scale signs that would be affixed to the walls adjacent to the entrance doorways on the southern and western elevations. As noted above, the proposed signage would be small-scale, appropriately sited and would use acceptable materials and colours for the context of the building. The signage would not be prominently visible from outwith the surrounding kirkyard, and they would preserve the character and appearance of the conservation area, in accordance with HEPS, Policy 7 of NPF4 and Policy D6 of the ALDP.

Matters raised by Historic Environment Scotland

Historic Environment Scotland (HES) do not object to the application and are supportive, in principle, of the proposed conversion of the West Kirk, St John's Chapel and Drum Aisle to create a new flexible space for the community, managed and operated by the applicant. HES accept that removing some of the box pews from the side aisles and nave is a practical way to create the required floorspace for the new use. HES also made further comments on various other aspects of the proposed works that can be addressed as follows:

Tea-Preparation Area

HES are supportive in principle of the proposals to create the tea-preparation area at the eastern end of the nave. They did however raise some concerns in relation to the initially proposed scheme which would have seen a new, wide opening to the back-of-house tea-prep area formed, which they considered would cause some harm to the special character of the building. The proposals for this area were subsequently amended by the applicant, with doors being added to provide a suitable termination for important views along the nave, and to conceal the utilitarian tea-prep area beyond. The amended proposals are considered to address HES's concerns in this regard.

New Suspended Heating / Lighting

HES recommended that more detailed information was sought to help assess the physical and visual impact of the proposed fixings for the new wire-suspended heating panels and strip lighting in the Drum Aisle and central crossing, where the ceilings are decorative and add considerably to the character of the Kirk. HES advised mitigating any potential damage by exploring alternative options, such as fixing new installations to the rubble walls.

More information was sought from the applicant by the Planning Service and amended proposals were submitted with the proposed heating and lighting fixtures in the Drum Aisle and central crossing altered to be more discreet, with the Drum Aisle fixtures now proposed to be wall-mounted, rather than suspended from the ceiling. Whilst the heating and lighting fixture for the central crossing would still be suspended from the ceiling, as noted above, its design is considered to be appropriate for the space, and would require just one fixing point centrally in the ceiling, avoiding any decorative detailing and minimising the number of fixing points required. The amended proposals for the heating and lighting infrastructure are considered to largely address HES's concerns.

Service Upgrades / Additions

HES requested that all internal works such as the installation of fire suppression systems, CCTV cameras and the upgrading of doors be discreetly designed and located to ensure no harm to the Kirk's architectural and historic character, and that existing service routes are used where possible, to avoid raising flagstones and disturbing any underlying archaeology.

Additional information and amended plans were subsequently submitted by the applicant, providing more details of the proposed fire suppression system, CCTV cameras and fire rating improvements for internal doors. All of these works are considered to be of an acceptable design and siting for the reasons set out above. There is no intention to require the raising of flagstones as part of the works associated to this application but nevertheless, should any such works be required, a condition is attached (as requested by the Council's Archaeology Service) which would require the applicant to undertake appropriate archaeological mitigation measures to avoid disturbance to any underlying archaeology. Therefore these comments by HES are also considered to have been addressed via the submission of amended plans, or would be addressed by the attached conditions.

Matters raised in representations

The concerns raised in the representations received in relation to the removal of a portion of the original boxed pews are addressed above in the foregoing evaluation. The remaining concerns raised that are not addressed above are addressed as follows:

- *The applicant incorrectly claims ownership of the boiler house, which is scheduled for demolition in due course. Furthermore, the applicant aims to have complete separation between the two parts of the building, so a location for the boilers within the West Kirk/Drum Aisle should be identified because it has further implications*

Response: The applicant advises that it is correct that the Open Space Trust (owners of the East Kirk) own the boiler house, but notes that Edinburgh Palette/Scot Art have servitude rights to use the plant in the boiler house. The applicant has updated the land ownership certificate accordingly in an amended application form.

Nevertheless, regardless of ownership and legal servitudes, no works to the boiler room are proposed as part of this application, nor are there any proposals for new boilers within the application site. The application has been assessed based on the works that have been applied for, and the applicant is not required to apply for any potential works that may be required in the future. Any such future works would be subject to a separate application in the future, should they require listed building consent and/or planning permission.

- *There remain many unresolved matters of detail which make it impossible to welcome the application. The complexity of the building and its contents require reflection and further detail before a judgement can be made. Historic Environment Scotland are of the same opinion.*

Response: It is acknowledged that further information was required in relation to various aspects of the proposed works (specifically the proposed new heating, lighting, CCTV cameras and fire suppression works). This information was subsequently submitted in December 2024 however, and the Planning Service is satisfied that sufficient information has now been submitted to allow a detailed assessment of the proposals.

DECISION

Approve Conditionally

REASON FOR DECISION

Although the removal of a portion of the original boxed pews would cause some harm to the special character, architectural and historic interest of the building, the works are required in order to facilitate the conversion of the building for its new use, which would see the building brought back into a sustainable use with benefits for the wider community. Additionally, due care has been taken by the applicant to both minimise the number of pews proposed to be removed (whilst enabling the resultant space to function for their needs) and to ensure that the pews to be removed would largely be from areas of secondary importance to how the interior of the building and its original ecclesiastic use are understood and appreciated. Therefore, on balance, any harm caused would be minimised as far as is practicable and outweighed by the positive benefits derived from both securing a long-term viable use for the building and by enabling a new use that would have benefits for the wider community, in accordance with the criteria set out in Paragraph 15 of Historic Environment Scotland's Interim Guidance on the Principles of Listed Building Consent, as well as Historic Environment Policy for Scotland (HEPS), Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4) and Historic Environment Scotland's 'Managing Change in the Historic Environment' guidance on 'Use and Adaptation of Listed Buildings' and 'Interiors'.

The remainder of the works proposed to the building have all been carefully considered and would be of an appropriate design, scale and siting such that they would not adversely affect, and would thus preserve, the special character, architectural and historic interest of the listed building and the character and appearance of the conservation area – in accordance with HEPS, Policy 7 of NPF4 and Policy D6 of the Aberdeen Local Development Plan 2023. The proposed works are also generally compliant with the technical advice set out in Historic Environment Scotland's Managing Change in the Historic Environment guidance on Interiors.

CONDITIONS

(1) BUILDING SURVEY

Prior to any of the hereby approved works taking place, all areas of the building where works are proposed shall be surveyed and a detailed, photographic survey accompanied by floor plans recording the existing state of the building prior to alteration shall be submitted to, and agreed in writing by, the Council as planning authority.

Reason: In order to accurately survey the building prior to the works taking place, to provide a detailed record of its historic fabric and internal layout for future generations.

(2) HEATING, LIGHTING AND CCTV DETAILS

Prior to the hereby approved heating, lighting and CCTV camera fixture installation works taking place, precise details of the specification and sitings of all such fixtures, as well as details of any associated cable routing, shall be submitted to, and agreed in writing by, the Council as planning authority. Thereafter the works shall take place in accordance with the agreed details.

Reason: In order to preserve the special character, architectural and historic interest of the building.

(3) PEW AND RAISED TIMBER FLOOR REMOVAL METHODOLOGY

Prior to any works taking place to remove the pews and raised timber floor panels hereby approved for removal, as shown on approved drawing (01)200 (Proposed Downtaking Floor Plans), and any associated works to make good the flooring once the pews have been removed, a detailed methodology for those works shall be submitted to, and agreed in writing by, the Council as planning authority.

Reason: In order to minimise the risk of damage to the original flagstones beneath, and to preserve the special character, architectural and historic interest of the building.

(4) PROGRAMME OF ARCHAEOLOGICAL WORKS

No ground-breaking works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority informing how an appropriate programme of archaeological mitigation will be carried out for the ground-breaking works. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

(5) ARCHAEOLOGICAL SURVEY

No works in connection to the box pews, including alteration, cleaning or removal, shall commence

unless an archaeological written scheme of investigation (WSI) has been submitted to, and approved in writing by, the planning authority informing how an appropriate programme of archaeological recording will be carried out on the pews which are to be removed, focusing in particular on the historic graffiti carved on them. The survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format.

Reason: To ensure that a historic record of the pews is made for inclusion in the National Record for the Historic Environment for Scotland and in the local Historic Environment Record.

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	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 13 February 2025

Site Address:	First Floor Left, 40A Urquhart Road, Aberdeen AB24 5LT
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people
Application Ref:	241252/DPP
Application Type	Detailed Planning Permission
Application Date:	31 October 2024
Applicant:	Mr Audrius Berontas
Ward:	George Street/Harbour
Community Council:	Castlehill and Pittodrie



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RECOMMENDATION

Approve Conditionally.

APPLICATION BACKGROUND

Site Description

The property is a first-floor flat in a 3-storey mid-terrace late Victorian tenement where five flats share the communal stairwell and garden to the rear. One flat (no. 40) is on the ground floor and the four flats of 40A are on the first and second floors with two flats to each landing.

The tenement is accessed via Urquhart Road along the northern boundary. To the west and east are adjoining tenements at 38 and 44 Urquhart Road; to the south is a small private car park not associated with the tenement. The general character of the area is residential, with occasional shops or other commercial enterprises at ground floor or down side streets.

The flat is dual aspect and has a floor area of 43.8 square metres. It consists of two bedrooms, lounge/kitchen and bathroom. Its lawful use is for mainstream residential use. The property has previously been used as a short-term let but this use is currently discontinued.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to change the use of the flat from mainstream residential use to short-term let accommodation with a maximum occupancy of 2 people. Waste would be managed through a private waste company. No specific parking is proposed save the existing on-street provision.

Amendments

In agreement with the applicant, the following amendments were made to the application:

Reduction in the proposed maximum occupancy from 4 to 2 people.

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=SM2HH5BZKWP00>

- STL Checklist

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application is being recommended for approval and has been the subject of six or more (seven) timeous letters of representation containing material planning considerations that express objection or concern about the proposal, in accordance with Appendix Two 1.v. of the Scheme of Delegation in Relation to Planning and Related Applications.

CONSULTATIONS

Aberdeen City Council (ACC) - Environmental Health – Has observed that the concerns raised around noise are associated with general living and would not constitute a statutory nuisance.

ACC - Roads Development Management Team – No objection. Has noted that no parking is proposed and that this reflects the existing situation. As both the existing and proposed uses have similar parking requirements, there would be no net detrimental impact on the surrounding streets in terms of on-street parking.

ACC - Waste and Recycling – No objection. Has noted that a private waste collection contract would be used and that therefore all guests must be made aware that they are not authorised to use council bins. They further advise of the penalty for the unauthorised storage of commercial bins on the public road and of the operator's legal responsibilities for managing waste under The Waste (Scotland) Act 2012.

Castlehill and Pittodrie Community Council – No comment received.

REPRESENTATIONS

Seven letters of representation have been submitted, all of which object to the application. The following issues are raised:

- Impact on security, including the fitting of an external keybox and guests failing to follow property-specific instructions;
- Lack of effective key handover procedures;
- Wear and tear on communal and neighbouring property, in particular the communal and neighbouring front doors;
- Inadequate facilities in the garden to deal with cigarette stubs and other waste;
- Failure to meet fire safety requirements;
- Noise, including transmission of emissions through the floors, necessitating the commissioning of specialist noise abatement measures;
- Impact on parking;
- Siting of tourist accommodation outside the city centre, to the detriment of its regeneration;
- Overprovision of short-term lets in the area, to the detriment of existing short-term lets;
- Advertisement of the property for short-term let use prior to permission being granted;
- Lack of 24/7 contact details for management of issues;
- Impact on community cohesion.

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 (NPF4)

- 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 23 (Health and Safety)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)
- Policy WB3 (Noise)

Aberdeen Planning Guidance

- Short-term Lets
- Noise

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

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

- An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- 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.*

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

Impact on character and amenity of the area

The application property is situated within a residential area as zoned in the ALDP Proposals Map, and is not within the city centre boundary. The surrounding area is characterised by terraced tenement blocks with a relatively high density of development. There are also examples of ground floor business use in the area, including use of the ground floor flat within the application property building for an accountancy business, which generates a degree of traffic as indicated by the letters of representation. By virtue of the large number of flats within the wider area and the surrounding road network being open to through traffic as well as on a bus route, the character of the area is relatively busy as people move about the roads, and come and go from neighbouring properties.

By virtue of the number of flats in this building and surrounding similar buildings, the density of development is relatively high, and this would likely result in a high number of comings and goings associated with mainstream residential occupation. The maximum number of occupants proposed of 2 people is similar to what would be expected by the flat's occupation as a mainstream residential property, containing two bedrooms which each have floor areas of approximately 9 square metres. As such, visitors to the application property would not necessarily be as notable as in a less urban environment.

Public representations have raised concerns that the proposal, along with other STLs nearby, would through clustering of such uses have a negative impact on community cohesion and the viability of existing STLs. At the time of preparing this report, there are two licensed STLs on Urquhart Road. Considering the spatial layout and neighbourhood character of streets around the application property, Boddie Place, Colville Place, Jackson Terrace, Hunter Place, Roslin Street, Urquhart Lane, Urquhart Street, and Urquhart Place all constitute part of the immediate place character where the application property is situated. There are no licensed STLs on these streets except one on Urquhart Street. While overprovision of STLs in a residential area does have negative consequences for its communal amenity and cohesion, a total of three STLs in what is a relatively dense residential neighbourhood would not constitute overprovision and not have a significant impact on community cohesion.

On balance therefore, the use of the application property as an STL, would be unlikely to result in a significantly increased frequency of comings and goings compared to mainstream residential use and it is unlikely that the STL use would have a significant impact on the character of the wider area.

Given the relatively small-scale nature of the property, comprising a 2-bedroom unit with a proposed maximum occupancy of two people at any one time, its use as an STL would be unlikely to result in a significant increase in activity or coming and goings, compared to mainstream residential use, therefore the proposal is unlikely to have any significant impact on the character of the area. Additionally, no external alterations are proposed, therefore it is considered that the character of the area would be preserved. As there would be no internal alterations either, the property could easily be reverted to its previous residential use and the application is therefore adaptable according to Policy D1 of ALDP.

In terms of impacts on amenity, the property shares an entrance door and stairwell with four other properties, all of which are understood to be in use as mainstream residential flats. In general, it is considered that the use of properties as STLs 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.’*

This is further attested by the letters of representation which raise concerns about amenity based on previous use of the property as an STL. The material amenity issues raised comprise concerns around noise, security, community cohesion, and anti-social behaviour particularly in the communal garden area.

In this instance, the proposed STL is a 2-bedroom flat on the first floor for a stated maximum occupancy of two people. Being on the first floor, intrusion of guests into the communal residential area would include the stairwell as well as the communal garden, which would have some impact on noise through the coming and going of guests. Given its character and size, it is considered unlikely that the flat 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.

More specific noise issues have been raised with regard to noise emissions between the floors of the property and the ground floor flat directly below it. ALDP Policy WB3 (Noise) requires a Noise Impact Assessment (NIA) where development may give rise to significant exposure to noise. There is a presumption against siting noise sensitive developments (such as housing) close to noisy land uses. One public representation seeks for professional technical assessment to be made of the proposal’s noise impact before any approval of the application.

It is acknowledged that due to the age of the tenement, flats are more sensitive to noise emissions arising from the occupation of neighbouring properties. The Council's Environmental Health Service has observed that the noise issues raised in this regard are not over and above that which would arise from mainstream residential use of the application property. The question of whether wooden boards or carpets are used as floor material is a civil matter between neighbours and not a material consideration to the planning application. As such, the use of the flat as an STL with a maximum occupancy of 2 people, which is an equivalent occupancy to what would be expected of mainstream residential use, would not have a significant impact on noise emissions. Therefore, the proposal is not considered likely to generate a significant exposure to noise and an NIA is not considered necessary for the application to comply with ALDP Policy WB3.

The application agents have advised that customers of the property would not have access to the communal garden area. However, it is clear from the letters of representation that the communal garden has been used by occupants of the property when previously used as an STL, primarily to smoke. Furthermore, access to the garden by guests under the proposed use must be assumed, given the difficulties there would be in enforcing against such access. Nevertheless, the layout and character of the garden are such that customers would be unlikely to use it for any significant periods of time for outdoor recreation, particularly as the site lies in close proximity to the beach area approximately 550 metres' walk to the east. The level of disturbance which would be caused by its use would therefore not be significant, over and above what may happen under residential use. While it is acknowledged that anti-social behaviour such as littering has arisen from previous use of the property as an STL, such behaviour could arise from use of the property as a mainstream residential flat, and could further be appropriately managed through responsible operation of the property, which would be a matter to be addressed through the licensing regime for STLs.

Concerns have been raised around the impact of the proposal on security, in particular the installation of a keybox and a lack of effective greeting procedures to ensure guests take appropriate security measures specific to the property. The installation of a keybox to communal property is a civil matter and not a material consideration to the planning application. How guests are instructed on keeping the property and tenement secure is matter for the operation of the STL, and can be more appropriately addressed through the licensing procedure.

It is considered that the relatively small-scale nature of the application property, with a maximum of 2 occupants when in use and periods of time when the property would likely not be in use, would be sufficient to ensure that its use as an STL would not cause any significant harm to the amenity of the neighbouring mainstream residential properties within the building, beyond the impacts to amenity which could occur if the property were to remain in mainstream residential use. Evaluation of any future such applications will need to consider cumulative impact on the character of the area.

Although a reduction in safety and security for the permanent residents in the building resulting from the use of the property as an STL could occur, it is considered that any such reduction would be relatively minor and mitigated by appropriate management of the property as addressed through the licensing regime – ensuring that the risk of actual harm to safety and security would be low. The granting of permission for the application property would result in just one of the five properties within the building being in STL use, therefore the majority of flats in the building would remain in mainstream residential use.

It is therefore considered that the use of the property as an STL would not cause significant harm to either the character or amenity of the area, in accordance with Policy 30(e)(i) of NPF4 and Policy H1 of the ALDP. It would further accord with Policy D2 (Amenity) of the ALDP and be considered safe and pleasant according to Policy D1 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 is not within the city centre nor on a site allocated for visitor facilities, as defined in the ALDP Proposals Map. The application therefore does not fully comply with Policy VC2, which is intended to ensure that tourist facilities, including accommodation, are so sited as to facilitate access to the city centre and other destinations with high or concentrated footfall. The issue of the STL being sited outwith the City Centre has also been raised in a representation.

In terms of connectivity to the city centre, the property is approximately 570 metres' walk away from the City Centre boundary to the south and approximately 184 metres' walk from bus stops on King Street that serve the City Centre (including bus and rail stations) and to the north the University of Aberdeen, which is considered a significant centre for visitors.

It is considered on balance that, given the property's close proximity to frequent public transport links and the acceptable impact on local character and amenity described above, that it would provide visitor accommodation to the city which would be sustainably connected to the city centre and university as significant visitor destinations. It is therefore considered that the use of the property as an STL would not conflict significantly with Policy VC2 of the ALDP and its purpose, and would not hold back the economic development or regeneration of the city centre.

Impact on housing

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 Aberdeen Planning Guidance.

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).'

The grant of planning permission for the use of the property as STL accommodation on a permanent basis would result in the loss of residential accommodation in a residential area on a permanent basis. As such, it is considered necessary in this instance 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:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as STL accommodation;
- 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 its use as an STL at the time of any further planning application.

Such a condition would ensure that the proposals are generally compliant with the aims of Policy 30(e)(ii) of NPF4.

Transport & Accessibility

Policy 13 (Sustainable Transport) of 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 approximately 184 m away from the nearest bus stops on King Street with routes serving throughout Aberdeen and beyond. As such, it would be well connected by public transport to visitor attractions and transport nodes.

There are no off-street parking places for the property and nor does it lie within a Controlled Parking Zone (CPZ). Several letters of representation have observed what is acknowledged to be dense use of both sides of the street for car parking and they have raised concerns that this situation would be exacerbated by the use of the property as an STL. While there may have been some impact from a maximum occupancy of 4 people as originally proposed, as an STL with a maximum occupancy of 2 people, it is considered that the use would likely generate a similar level of car parking demand as if the property were to revert to mainstream residential use. Nevertheless it is anticipated that a significant proportion of customers staying at the property on a short-term basis could reasonably be expected to arrive in the city by train or bus and access the property sustainably, not generating any traffic or requiring any car parking. The proposals are therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP. It further would be considered to meet the requirement for places to be easy to move under Policy D1 of the ALDP, bringing it into accordance with that policy and Policy 14 of NPF4.

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.

Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise the existing domestic bins, as accepted by the Council's Waste & Recycling Service. This would be 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. An advisory note has been added for the applicant to be aware of the requirement to enter into a business waste contract with the Council. The proposals are therefore acceptable 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. It would however conserve biodiversity and meet the requirements of NPF4 Policy 3.

Matters raised in representations

The material considerations raised in the letters of representation objecting to the application have been addressed in the body of the Evaluation above. They are reiterated here along with all other issues raised:

- Impact on security, including the fitting of an external keybox and guests failing to follow property-specific instructions;
 - It is acknowledged that there would be some impact on security, real and felt, but that with the occupancy reduced to an acceptable level, this would be best managed through the powers of the licensing regime. The fitting of an external keybox is a civil matter and not a material consideration to the planning application.
- Lack of effective key handover procedures;
 - This is in relation to the operation of the STL and is not a material consideration to the planning application. The responsibility of the operator would be managed through the licensing regime.
- Wear and tear on communal and neighbouring property, in particular the communal and neighbouring front doors;
 - Damage and maintenance to communal property is a civil matter and is not a material consideration to the planning application.
- Inadequate facilities in the garden to deal with cigarette stubs and other waste;
 - While it is acknowledged that anti-social behaviour such as littering has arisen from previous use of the property as an STL, such behaviour could arise from use of the property as a mainstream residential flat, and could further be appropriately managed through responsible operation of the property, which would be a matter to be addressed through the licensing regime for STLs.
- Failure to meet fire safety requirements;
 - This is a licensing matter and not a material consideration to the planning application.
- Noise, including transmission of emissions through the floors, necessitating the commissioning of specialist noise abatement measures;
 - Aberdeen City Council's Environmental Health Service has confirmed that the issues of noise emissions raised would not constitute a statutory nuisance and would be

equivalent to noise associated with the existing use of the property as a mainstream residential flat.

- Impact on parking;
 - Given the small scale of the proposal for a maximum of 2 persons, which reflects what would be the typical maximum occupancy for the property as a mainstream residential flat, and the property's proximity to public transport infrastructure, the proposal would not have a significant impact on parking.
- Siting of tourist accommodation outside the city centre, to the detriment of its regeneration;
 - While the proposal would not fully comply with ALDP Policy VC2 which requires tourist facilities to be sited either in the city centre or sites allocated for that purpose, it would be small-scale and well connected via public transport to the city centre. It is therefore unlikely to have a negative impact on the development of the city centre.
- Overprovision of short-term lets in the area, to the detriment of existing short-term lets;
 - At the time of writing the report there are two other licensed STLs on the application's street address and one additional STL in the immediate area. The current number of STLs is therefore not considered significant.
- Advertisement of the property for short-term let use prior to permission being granted;
 - The property is presently advertised online for STL accommodation. However, it is not possible to book any dates for staying and it is understood that active use of the property as an STL has been suspended.
- Lack of 24/7 contact details for management of issues;
 - This relates to the operation of the property as an STL and is not a material consideration to the planning application.
- Impact on community cohesion.
 - Given the density of residential development in the immediate area and the low number of STLs presently licensed in that area (three), the concentration of STLs would not be so significant as to impact on community cohesion. The issues of anti-social behaviour raised which could impact community cohesion would not be intrinsic to the property's use as an STL given its modest occupancy and can be addressed through the licensing regime and police enforcement.

RECOMMENDATION

Approve Conditionally.

REASON FOR RECOMMENDATION

Due to the size of the property, its position within the building and the stated maximum occupancy, it is considered that its use as Short Term Let (STL) accommodation would not have a significant adverse impact on the character or amenity of the area, nor on the amenity of the immediate neighbouring properties within the application building, beyond what could typically be expected if it were to be used as mainstream residential accommodation, in accordance with Policies H1 (Residential Areas) and D2 (Amenity) of the Aberdeen Local Development Plan 2023 (ALDP). The development would not significantly increase harmful noise emissions, in accordance with Policy WB3 (Noise) of the ALDP. The property's use as an STL would likely provide some local economic benefits, potentially to the tourism and hospitality sectors, without causing any significant harm to local housing need through the loss of residential accommodation, in accordance with Policy 30 (Tourism) of National Planning Framework 4 (NPF4). This would be subject to a condition limiting the lifetime of the development to 5 years in order to monitor the development's impact on housing supply.

The development would provide tourist accommodation with good public transport links to the city centre and the city's main bus and railway stations, in accordance with Policy 13 (Sustainable Transport) of NPF4 and Policies T2 (Sustainable Transport) and T3 (Parking) of the ALDP. Whilst the STL would not be sited within the city centre, the city centre would be readily accessible via sustainable modes of travel; therefore the proposed development is considered to be acceptable despite not being fully compliant with the expectations of Policy VC2 (Tourism) of the ALDP.

The development has sufficient means for the adequate storage and collection of any waste and recyclables generated, in accordance with Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP. It would meet all relevant placemaking criteria of Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4.

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 proposed development is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. There is no opportunity to enhance on-site biodiversity, therefore the proposals are acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 Act.

(02) TIME LIMIT FOR SHORT TERM LET USE

The use of the flat for short term let accommodation as hereby approved, shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use of the property as serviced apartment accommodation in the meantime. Should no further planning permission be granted then the property shall revert to a flat in residential use after the aforementioned 5-year period.

Reason - In order to allow reassessment of the local housing need and demand situation and the local economic benefits derived from the use of the property as short term let accommodation to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

ADVISORY NOTES FOR APPLICANT

(01) COMMERCIAL WASTE

As Short Term Let accommodation comprises a commercial use, business rates are payable by the operator, rather than Council Tax. In the absence of a Council Tax payment which would cover the cost of the collection of waste from the on-street bins, the operator is required to enter into a contract with either Aberdeen City Council's Business Waste & Recycling team or a third party, to enable the lawful use of the on-street bins by customers of the property, if they haven't done so already.

Further information is available on the Council's website at:

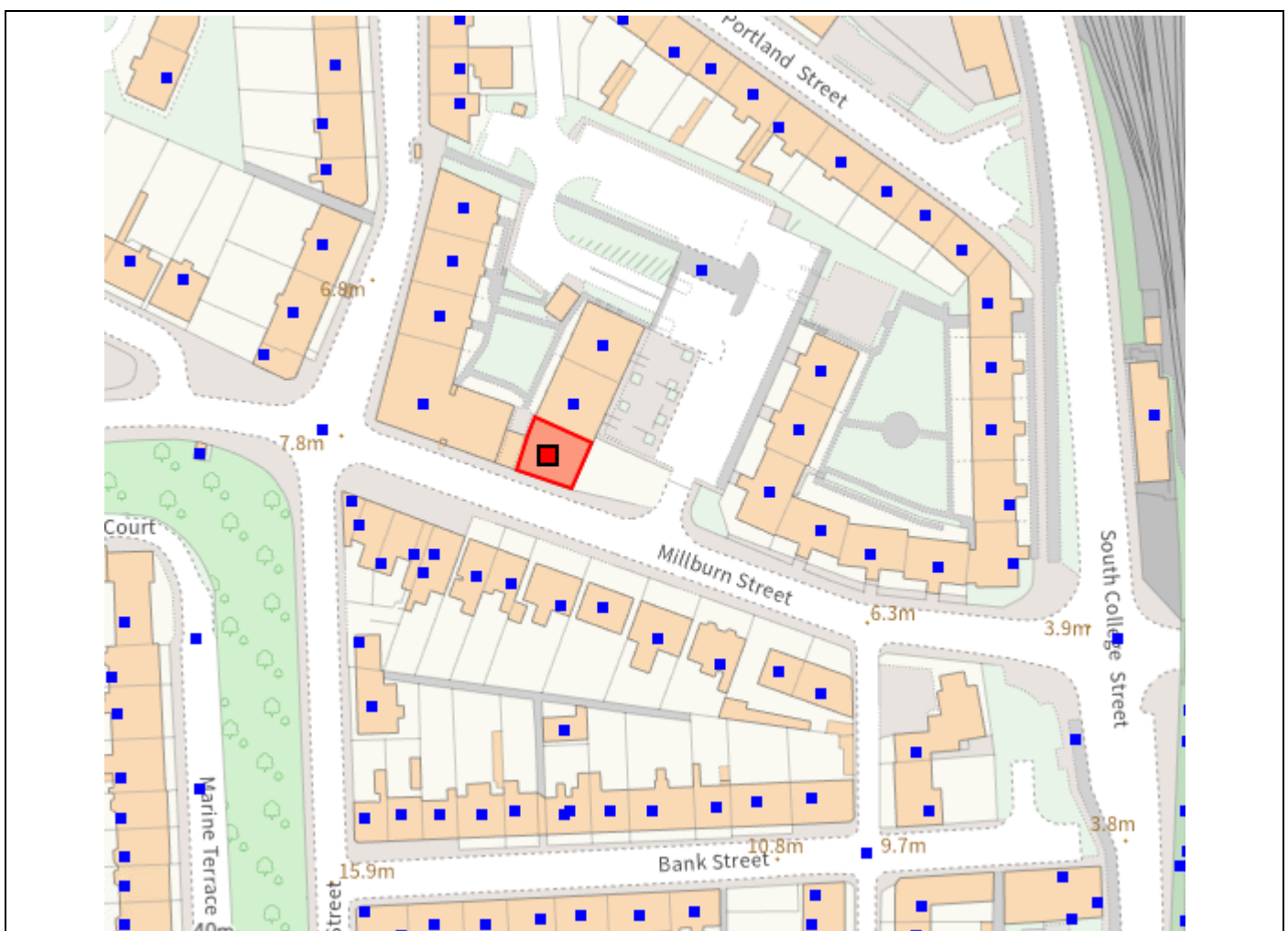
<https://www.aberdeencity.gov.uk/services/bins-waste-and-recycling/business-waste>

The operator can contact the Council's Business Waste & Recycling team at:

businesswaste@aberdeencity.gov.uk

	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 13 February 2025

Site Address:	116 Dee Village, Millburn Street, Aberdeen AB11 6SY
Application Description:	Change of use of flat to short term let accommodation with maximum occupancy of 3 people
Application Ref:	241277/DPP
Application Type	Detailed Planning Permission
Application Date:	4 November 2024
Applicant:	Mr David Law
Ward:	Torry/Ferryhill
Community Council:	Ferryhill and Ruthrieston



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a first floor residential flat within a four-storey block in a residential area. It comprises two bedrooms, a kitchen/living room, a bathroom and a hallway. The building is accessed from a communal entrance door on Millburn Street.

The building forms part of the Dee Village residential development of 150 properties, which redeveloped the historic Electricity Works and associated offices undertaken in the 2000s. This property is within a category C-listed building, with the communal spaces having been extensively altered during the conversion (other than a historic mosaic floor on the ground floor landing, which depicts the Bon Accord coat of arms).

The block in which the application property is located serves seven residential flats. The wider Dee Village residential development has communal open space, a private car park with allocated parking spaces and a gym.

A review of the Short Term Let and Houses in Multiple Occupation Registers demonstrates that there are no other properties in the building in either STL or HMO use and thus all properties in the block are understood to be in mainstream residential use. There are two properties in the wider Dee Village development which have STL licenses, 113 Dee Village, which is in the adjoining block to the north and, 5 Dee Village, which is in a block fronting South College Street to the east.

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 mainstream residential flat to short term let accommodation with a maximum occupancy of three people at any given time. The property would be cleaned after each stay or around four times per month. Waste would be disposed of by a waste management company and it has been stated that they have an agreement in place. The site has an allocated car parking space in the residential car park.

Amendments

In agreement with the applicant, the following amendments were made to the application –

- The proposed stated number of occupants that would stay in the short term let has been reduced from four to three.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SMFG4WBZL4500>

- Short Term Let Planning Checklist

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application is both being recommended for approval and:

- has been the subject of six or more timeous letters of representation that express objection or concern about the proposal; and
- formal timeous objection by the local (Ferryhill and Ruthrieston) Community Council within whose area the application site falls.

CONSULTATIONS

Ferryhill and Ruthrieston Community Council – Objection – This is because there are several people who live in the area who have contacted it with their concerns.

Noting the building is category C-listed, they are concerned that excessive footfall would damage the deteriorating mosaic floor depicting the Bon Accord coat of arms on the ground floor landing.

Reference has been made to restrictions on the land registry title deeds in relation to which forbids drilling holes in common or party walls, stops a flat being occupied by more than one family, no bikes or rubbish in the stairwell and precludes any activity deemed a nuisance or occasions disturbance to other neighbours.

Because it is listed, residents are concerned that if this application is approved, the exterior of the building would be damaged and any boring or drilling of holes for a lockbox would go against the title deed and guest self-service would not be possible.

Parking concerns have been raised, mainly due to the limited parking in the area and the use of private parking spaces for residents in the flats, the security of vehicles using the car park and concern that parking spaces of other properties may be used by occupants of the STL, meaning that the residents would need to pay to park on the street.

There are noise concerns for the residents and the affect this may have on the current residents within the building. The block has a mixed age profile from young children to elderly. Any noise disturbance would affect the age groups differently. Having the check in period up to 10pm at night would affect current residents, especially those on the ground floor (elderly) when people are arriving or late at night on return from nights out.

Disturbance from the misuse of the exterior door entry system has been raised, noting the concern if all occupants do not have access to a key.

There is a concern guests would not adhere to the disposal of rubbish in line with the building requirements. The common areas will likely suffer greater wear and tear, not only from the tenants, but those servicing the flat after every let.

ACC - Roads Development Management Team – No objection – The site is in the Inner City Parking Zone and is in Controlled Parking Zone (CPZ) H. The site has one parking space and one is to remain. The existing and proposed uses have similar parking requirements. As this is in a CPZ, there is no scope for indiscriminate parking.

ACC - Waste and Recycling – No objection – As the application indicates there is a private waste collection contract, all guests need to be made aware that they are not authorised to use council bins for any refuse or recycling and, as such, enough waste storage must be provided for the duration of the stay. A commercial collection contract of all waste streams is required to satisfy Duty of Care regulations. Advice regarding business waste requirements has been provided.

REPRESENTATIONS

23 representations, all of which are objections, have been received. The matters raised relate to:

- Noise and disruption from comings and goings in the building, the possibility of parties and antisocial behaviour, associated misuse of the door entry system and the congregation of transient persons outside the property. Specific concerns have been raised in this regard regarding very young, elderly and disabled residents in the building, as well as the elderly in the area.
- The impact on security of the block as well as the sense of security as a result of strangers accessing the building. Concerns relating to women's safety have also been raised in this regard.
- The impact on parking availability.
- Traffic generation.
- Concern regarding the safety of vehicles in the car park.
- Concern that the residential bins on Millburn Street may be used, exacerbating existing concerns that those bins are overflowing.
- As the occupants would be transient, there would not be immediate traceability for those causing the disturbance. The owner of the property would not be in the area, and therefore would not have control over the number of occupants.
- It is queried whether a lockbox would be allowed as the building is listed.
- The proposal would be allowing a lock box to be drilled into a listed building.
- The proposal would exacerbate concerns relating to the pharmacy on Millburn Street (in terms of drug prescriptions).
- There are already more than enough uses in Ferryhill having been converted to accommodate transient persons (hotels, tenement buildings etc).
- Concern with respect to the time in which the neighbour notification took to be sent, noting the limited time to consult a solicitor and to establish matters in relation to the Equality Act 2010.

Civil matters which are not material planning considerations have also been raised relating to a claimed breach in the covenant of the title deeds (which it is claimed requires the property to be used as a private dwellinghouse).

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 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- 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 Material Planning Considerations

Scottish Government publications:

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

EVALUATION

Key Considerations

The determining material consideration in the assessment of this planning application is whether the use of the property as short term let (STL) accommodation would result in unacceptable harm to the amenity of the area – particularly to the neighbouring residential dwellings. These matters and all other material considerations are assessed in the context of the relevant policies of the Development Plan as set out below.

Principle of Development

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

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

Paragraph (e) of Policy 30 (Tourism) 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.'*

Provision of Short Term Let Accommodation and Impacts on Character and Amenity

To assess the likely impacts on amenity and character of the local area with regard to Policy H1 of the ALDP and Policy 30 e) i. of NPF4, the Short-term Lets Aberdeen Planning Guidance (APG) considers the following matters to be relevant:

- *'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 Character of the Area

In terms of Paragraph e) i. of Policy 30, whilst the area is predominantly residential in character and is zoned as such in the ALDP, the surrounding area and Millburn Street itself is a busy street with a high level of footfall and serves a large number of residential properties. There are furthermore local retail uses in close proximity on Millburn Street, as well as on Crown Street. There are few properties in short term let use in the area. There are two properties in the wider Dee Village development which have STL licenses, 113 Dee Village, which is in the adjoining block to the north and, 5 Dee Village, which is in a block fronting South College Street to the east approximately 100m away. There are no properties in short term let use which share the same postcode as the application property.

The change of use of the application property to STL accommodation with a maximum of three occupants would require access by transient guests and cleaners after each visit, presenting a minor increase in activity and coming and goings from the block compared to mainstream residential use. However, the proposal is small-scale and in its context and would not significantly affect the existing character of the surrounding area.

Impact on Amenity of the Area

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. Policy D2 (Amenity) of the ALDP seeks to ensure that the occupants of residential developments are afforded adequate levels of privacy.

The property shares an entrance door and stairwell with six residential flats, with there being a single flat on the ground floor landing and two on each landing on the three upper floors. The application property is located on the first floor. The door of the other flat is adjacent to that of the application property and there are flats directly above and below. Whilst Dee Village has communal open space serving the wider development, as well as a gym, there is no external semi-private residential garden ground serving the block itself.

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 and in the communal stairwell, 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 property has a c.80sqm floorspace with two bedrooms, and it has been stated that there would be a maximum of three occupants that would stay. Based on the floorspace and number of bedrooms, it is considered likely that three residents may stay in this property in its current use. Because of this, it is considered that noise transmission and disruption within the communal areas in the building and from within the property itself would not be to a degree whereby it would materially harm the amenity of the other residents of the other flats in this block. It is highly unlikely that the property 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 emissions during the more sensitive late night and early morning periods, given the low number of occupants that would stay. Such activities could also take place in the property if operated as mainstream residential accommodation. It is considered that noise transference through the floor, ceiling and walls would likely be minor and not materially different to its existing residential use. The change of use would thus not have any significant impact on the neighbouring residential dwellings in terms of noise emissions. In the event noise and disturbance were to arise, they could be addressed under separate legislative powers by either the Police or the Council's Environmental Health Service at the time, as well as the STL licensing scheme.

In terms of the potential for the disturbance of privacy and the perceived impact on security from the use of the communal areas by transient non-residents, it is recognised that the proposed STL accommodation would be located on the first floor of the building and therefore the transient occupants and cleaners would need to pass the front doors of two residential flats to access the property. The stairwell and landings serve seven flats in an urban area and therefore there is already the possibility that the residents in the building experience people unknown to them using the spaces. Six of the seven flats (86%) would remain in residential use and therefore the communal hallway would remain predominantly residential in nature and the vast majority of those accessing

the communal space would be the residents rather than the transient persons of the proposed STL accommodation. Having regard to prioritising women's safety, it is considered that the actual or perceived reduction in safety and security afforded to the neighbouring residents as a result of this change of use to STL would be limited relative to the existing situation.

There are no other STL or HMO uses in the building. Therefore, there would be no cumulative impact as a result of this change of use to STL accommodation, in accordance with the Short-term Lets Aberdeen Planning Guidance.

It is considered that the nature of the application property (with a maximum of three customers when in use and periods of time when the property will likely not be in use) relative to the number of residents that would likely stay in the property in its current use as a flat, the number of other properties in the building and the context of the surrounding area would be sufficient to ensure that its use as an STL would not, in itself, cause any significant harm to the amenity of the area. Although a reduction in safety and security for the permanent residents in the building resulting from the change of use, whether actual or perceived, could occur, it is considered that any such reduction would be minor and mitigated by appropriate management of the property – ensuring that the risk of actual harm to safety and security would be low.

It is considered that the change of use of the property from a residential flat to STL accommodation with a maximum occupancy of three people would not cause significant harm to either the character or amenity of the area, in accordance with Policies 14 and 30(e)(i) of NPF4 and D1, D2 and H1 of the ALDP.

Provision of Short Term Let Tourist Accommodation and Local Economic Benefits

Although there is currently limited evidence on the local economic benefits would be derived from the change of use of the residential flat to an STL, as required by Policy 30(e)(ii) of NPF4, the Short-term Lets APG recognises that STLs are generally expected to be used by tourists and / or business travellers. It is thus envisaged that businesses in the local tourism and hospitality sectors may experience some economic benefits as STL occupants are likely to use the services of these sectors, noting the relatively close proximity of the property to the city centre. This is supported in general terms by the Scottish Government publication 'Research into the Impact of Short-Term Lets on Communities Across Scotland'.

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.'

Whilst not located within the city centre, it is c.250m from the defined City Centre boundary as well as 70m from a bus stop which has a route to the city centre. Taking into account the low number of short term let premises in the area, the small scale of the proposal and the accessibility of the site to the city centre using sustainable and active travel methods, the proposal would not undermine the aims of Policy VC2 of the ALDP to sequentially locate visitor facilities into the city centre by any significant degree.

In relation to impacts on local housing need and demand, the Short-term Lets Aberdeen Planning Guidance 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.

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 STL accommodation, 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).’

The grant of planning permission for the use of the property as STL accommodation on a permanent basis would result in the loss of residential accommodation in a residential area on a permanent basis. It is considered necessary in this instance 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:

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

Transport and Accessibility

Policies 13 (Sustainable Transport) on NPF4 and 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 site is accessible using sustainable and active modes of travel as it would be located within approximately 250m from the defined City Centre boundary. The nearest bus stop is c.70m away on Crown Street, which has a route to the city centre. The site is thus less than 400m from the nearest bus stop, in accordance with Policy T2 of the ALDP. The site is also c.500m from the train station and c.650m from the bus station. The property has an allocated parking space within the private residential car park and is within a CPZ. The proposal would generate similar parking demand to the existing use, given the number of occupants that would stay. 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 have raised no concerns. The proposal therefore complies with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Storage and Collection

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 Council's Short-term Lets APG states in relation to waste storage and collection:

'It should be noted that STLs are classified as a commercial / business use. Applicants will therefore need to enter into a contract with the Council's Business Waste and Recycling team or another licensed waste contractor operating within the City to make appropriate arrangements for waste collection and disposal. A Waste Transfer Notice (WTN) must be obtained by STL operators. WTNs are issued by commercial waste contractors. Business waste should never be put into public or domestic bins (without a supporting WTN).'

The applicant advises that a professional cleaning company would dispose waste and that there is an agreement in place. The ACC Waste and Recycling Team have been consulted and have advised that guests need to be made aware that they are not authorised to use council bins for any refuse or recycling and as such enough waste storage must be provided for the duration of the stay. Furthermore, they have advised that a commercial collection contract of all waste streams is required to satisfy Duty of Care regulations.

An advisory note has thus been added for the applicant to be aware of in relation to guests and cleaning staff being made aware that they are not authorised to utilise the communal domestic street bins nearby in the absence of a commercial agreement with Aberdeen City Council for the use of those bins by customers or cleaning staff. Waste and recyclables generated by the customers of the property can be adequately stored and collected and 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 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 development, comprising the change of use of an existing property, is sufficiently small-scale such that it would not have any material impact on the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities that can be identified to minimise greenhouse gas emissions given the nature of the proposal. Therefore, the change of use from a residential flat to STL accommodation is compliant with Policies 1 and 2 of NPF4. Whilst this proposal would not include measures to enhance biodiversity, which would have some minor tension with Policy 3 of NPF4, the proposal is a change of use, small-scale and does not offer the opportunity for meaningful biodiversity enhancements.

Matters Raised in the Representations

The matters raised in relation to noise, disruption, the impact on safety and sense of security have been considered in this evaluation. With respect to the specific concerns in relation to noise and disturbance on very young, elderly and disabled residents, as well as women's safety, due regard has been given to Section 149 - Public Sector Equality Duty of the Equality Act 2010. There is no evidence that the proposal would result in disadvantages suffered by persons who share a relevant protected characteristic that are connected to those characteristics, nor have any material effect on the equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Appropriate management of the property would be a matter controlled through the licensing process. Possible antisocial activity is not a material planning consideration and would be addressed by separate legislative powers through the Environmental Health Service or Police Scotland. Responsible management of this premises would also be addressed separately through the licensing process. Aberdeen City Council applies a licence condition to every STL licence for license holder to take reasonable steps to prevent and deal with antisocial behaviour.

The impact of this development in the context of existing uses and the character of the area, parking availability, traffic generation, waste disposal have also been addressed in this evaluation. The development would have no material impact on the security of vehicles in the car park.

The change of use would not materially impact on the architectural and historic interest of this listed building. The maintenance of the building, including the mosaic in the communal stairwell, is not a material consideration and would be a civil matter between the relevant parties. Whilst the short term let planning checklist states that a lockbox would be used, no details of the design or siting of this have been included. As the building is listed, if it is determined to have an impact on the special architectural and historic interest of the building, it could require listed building consent separately.

Neighbour notification was undertaken in accordance with the Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Representations could be made within twenty one days of the notifications being sent and all neighbours within twenty metres of the application site boundary were sent notifications.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The grant of planning permission for the change of use of the existing residential flat to short term let accommodation with a stated maximum occupancy of three occupants would not have a significant adverse impact on the character or amenity of the area, nor on the amenity of the immediate neighbouring flats, beyond what could typically be expected in its use as mainstream residential accommodation, in accordance with the aims of Policies 14 (Design, Quality and Place) and 30 (Tourism) of National Planning Framework 4 (NPF4), as well as Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023 (ALDP) and the Aberdeen City Council Short-term Lets Aberdeen Planning Guidance.

The change of use to short term let accommodation would likely provide some local economic benefits, particularly to the tourism and hospitality sectors without causing any significant harm to local housing need through the loss of residential accommodation, in accordance with Policy 30 (Tourism) of NPF4. Taking into account the low number of short term let premises in the area, the small scale of the proposal and the accessibility of the site to the city centre using sustainable and

active travel methods, the proposal would not undermine the aims of Policy VC2 of the ALDP to sequentially locate visitor facilities into the city centre by any significant degree.

The development would be accessible using sustainable and active modes of transport and it would be within 400m of the nearest bus stop, as well as being accessible from the city centre, and the train and bus stations. It would have minimal impact on parking provision in the area and the local transport network, in accordance with Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) and T3 (Parking) of the ALDP.

The development would have sufficient means for the adequate storage and collection of any waste and recyclables generated, in accordance with Policies 12 (Zero Waste) of NPF4 and R5 (Waste Management Requirements for New Development) of the ALDP.

The proposed development, comprising a change of use with no associated external alterations, is sufficiently small-scale and of a nature whereby it would not make any material difference to the global climate and nature crises, climate mitigation and adaptation, nor would there be any opportunities to minimise greenhouse gas emissions given the nature of the proposals. The proposed development is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. There would be no opportunity to meaningfully enhance on-site biodiversity, therefore the minor tension with Policy 3 (Biodiversity) of NPF4 is not significant.

CONDITIONS

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) TIME LIMIT FOR SHORT-TERM LET USE

The hereby approved use of the property shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use as short term let accommodation in the meantime. Should no further planning permission be granted then the property shall revert to mainstream residential use as a flat after the aforementioned 5-year period.

Reason: In order to allow the local housing need and demand situation and the local economic benefits derived from the use of the property as short term let accommodation to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

ADVISORY NOTES FOR APPLICANT

(1) COMMERCIAL USE OF COMMUNAL DOMESTIC ON-STREET BINS

If waste generated is to be collected and disposed of by a commercial waste contractor, the applicant should advise guests that they are not authorised to deposit waste in the communal domestic street bins adjacent to the property.

A commercial collection contract of all waste streams is required to satisfy Duty of Care regulations.

Further information is available on the Council's website at:

<https://www.aberdeencity.gov.uk/services/bins-waste-and-recycling/business-waste>

The operator can contact the Council's Business Waste & Recycling team at:

businesswaste@aberdeencity.gov.uk

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