

Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Boulton, Cooke (Reviews 2 and 3 only), Copland and Farquhar (Review 1 only).

Town House,
ABERDEEN 6 January 2025

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **MONDAY, 13 JANUARY 2025 at 11.00 am.**

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

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

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

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

Link to the [Local Development Plan](#)

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

PLANNING ADVISER - LUCY GREENE

REVIEW ONE

2.1 5 Westfield Terrace - Change of Use of Lower Ground Floor to Short Term Let Accommodation (sui generis) with Maximum Occupancy of 4 People

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 231206.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 36)

2.3 Planning Policies Referred to in Documents Submitted (Pages 37 - 38)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 39 - 76)

2.5 Determination - Reasons for Decision

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

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

REVIEW TWO

3.1 24 Picardy Court, Rose Street - Change of Use of Flat to Short Term Let Accommodation (sui generis) with Maximum Occupancy of 2 People

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 240985.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 77 - 110)

3.3 Planning Policies Referred to in Documents Submitted (Pages 111 - 112)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 113 - 118)

3.5 Determination - Reasons for Decision

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

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

REVIEW THREE

- 4.1 Flat 5 17 Northfield Place - Change of Use of Flat to Short Term Let Accommodation (sui generis) with Maximum Occupancy of 6 People
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 241057.
- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 119 - 146)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 147 - 148)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 149 - 156)
- 4.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: aberdeencity.gov.uk

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin: 10px 0 0 0;">Report of Handling by Development Management Manager</p>
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Site Address:	5 Westfield Terrace, Aberdeen, AB25 2RU
Application Description:	Change of use of lower ground floor to short term let accommodation (sui generis) with maximum occupancy of 4 people
Application Ref:	231206/DPP
Application Type:	Detailed Planning Permission
Application Date:	6 October 2023
Applicant:	Mr Malcolm Duckworth
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises the lower ground floor of a granite-built residential dwellinghouse, in a residential area falling within the Rosemount Place and Westburn Conservation Area. The building is 1½ storey in form on its northwest facing principal elevation and, due to the slope of the site, its southeast facing rear elevation is 2½ storey in form. The site adjoins numbers 7 and 7A Westfield Terrace to the southwest. 3 Westfield Terrace is adjacent to the property to the northeast.

The lower ground floor comprises two bedrooms, a bathroom, a kitchen, a living room, a utility room and storage. Whilst there is a staircase which leads to the upper floor of the dwelling, it is understood that this is not used and the door between the ground floor and the lower ground floor is locked. The lower ground floor is accessed from a door to the rear garden on the rear elevation by the east side of the property. It is understood that the lower ground floor is being used exclusively by short term let occupants and that the floors above are used solely as a dwelling. The information submitted states the lower ground floor has been in use as short term let accommodation since 2020 and that prior to this, it was in use as a 'mainstream flat for 36 years'. There are no building warrant records with respect to the formation of the unit in the lower ground floor. There is also no evidence or planning records to confirm this, nor does the internal layout – which includes an internal connection to the upper floor suggest that such an arrangement has been formalised.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the lower ground floor to short term let (STL) accommodation with a maximum occupancy of four people at any given time. The formation of the short term let unit would effectively sub-divide the dwellinghouse into a residential dwelling over the ground and first floors, which would be accessed from the front door of the property, and a lower ground floor short term let unit, which would be accessed from the door on the rear elevation via a path to the side of the property.

The application states that occupants would stay for a minimum of two nights, and would be able to park using a residential parking permit. The STL accommodation would be cleaned after each booking and waste would be disposed of in the residential bins.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1R8HNBZG6600>

- Planning Supporting Information Checklist
- Supporting Letter (Prepared by Ryden)

CONSULTATIONS

ACC - Environmental Health – No response received.

ACC - Roads Development Management Team – No objection –The existing and proposed do not have associated parking and thus there is no net detriment. As the site is within a Controlled Parking Zone, there is no scope for indiscriminate parking.

ACC - Waste and Recycling – No objection – The development is classified as commercial and therefore receives a business waste collection. General advice regarding commercial waste requirements has been provided.

Queen's Cross and Harlaw Community Council – No response received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

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 Plan

National Planning Framework 4

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

Aberdeen Local Development Plan 2023

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

Aberdeen Planning Guidance

- Short-term Lets

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)
- Research into the impact of short-term lets on communities across Scotland (October 2019)

EVALUATION

The Short-term Lets Aberdeen Planning Guidance states that *'All planning applications for [short term let accommodation] will be treated on their own merits and will be assessed in line with relevant Development Plan policies and any other material considerations.'* These policies are set out throughout this evaluation.

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

Paragraph (e) of Policy 30 (Tourism) of NPF4 states:

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

- 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.

Impact on the Character and Amenity of the Area

The application site is zoned on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP) under Policy H1 (Residential Areas). Policy H1 states that 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.

In terms of the impact on the character of the immediate surrounding area, despite its central location within the city and the high density of the streets elsewhere in Rosemount, Westfield Terrace is characterised by dwellinghouses which are set back from the road and its relatively quiet residential nature, including low levels of traffic and footfall. The grant of planning permission for the change of use of the lower ground floor to STL accommodation would intensify the use of the site and result in transient persons accessing the property, presenting an increase in activity and coming and goings, compared to its existing use. Given the scale and intensity of the use in its context, and notwithstanding the adverse impact on residential amenity set out below, the use of the lower ground floor by non-residential occupants would not significantly change the general character of the surrounding area. However, it is accepted that with respect to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as no external alterations proposed, the character and appearance of the area would be preserved and, thus the proposal would have no material impact on the character and appearance of Rosemount Place and Westburn Conservation Area.

Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) requires development to be *'Healthy: Supporting the prioritisation of women's safety and improving physical and mental health'*. This includes (in Appendix D 'Six Qualities of Successful Places' of NPF4) *'designing for lifelong wellbeing through ensuring spaces, routes and buildings feel safe and welcoming e.g. through passive surveillance'*. The qualities of successful places referred to in Policy D1 (Quality Placemaking) of the ALDP seek development to be safe and pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy. Policy D2 (Amenity) of the ALDP seeks residential developments to ensure occupiers are afforded adequate levels of privacy and noise.

It is considered that the change of use of the lower ground floor of this building to STL accommodation could result in increased harm to the amenity of the neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, if it were to have an impact from the following:

- The disturbance of privacy and the perceived impact on safety by transient persons unknown to neighbouring residents.
- If it was possible for noise to arise from customer activities within the unit and in the curtilage, particularly in the quieter, more sensitive late evening, and early morning periods – especially if used as a 'party flat'.

In this instance, the impact on amenity from the change of use of the lower ground floor to STL accommodation would arise from the impact on safety and security, either actual or perceived, and the potential disturbance of privacy to the upper floor dwelling as a result of the occupants sharing

their residential curtilage solely with the transient persons staying in the STL, as well as the cleaners. The occupants of the STL unit would furthermore need to cross through both the front and rear curtilage to access the STL unit. Thus, the use of this space by frequently changing transient persons staying on a non-residential basis, unknown to the occupants of the upper storey dwelling would have an adverse impact on the amenity through the loss of privacy and a sense of safety and security, either actual or perceived.

In terms of noise impact, based on the layout of the building, an internal door would be the only internal division between the residential use and the short term let unit. Whilst with the maximum occupancy proposed being four persons, it is unlikely that the property would be used for the hosting of parties or other events of an anti-social nature. Without any acoustic measures (noting it is currently part of the same property), the short term let would nevertheless be very likely to have an adverse impact on the amenity afforded to the residential dwelling in the upper floors in terms of noise from the occupants of the short term let in terms of comings and goings of transient persons, cleaners as well as there being four occupants, which is a relatively high number for the size of the two-bedroom short term let unit.

With respect to the adjoining residential properties to the southwest, (7 and 7A Westfield Terrace), given the STL accommodation is located at the lower ground floor level, it is understood that the wall between the STL accommodation and the adjacent dwelling is a structural stone wall given the age and character of the building and thus it is unlikely that short term let accommodation would adversely affect the amenity of those adjacent properties in terms of noise.

Whilst applying a condition to block up the door with the upper floor to totally separate the upper floor and lower ground floor uses to address the noise concerns has been considered, it is understood that a building warrant is required for the conversion of the lower ground floor into a separate unit, it does not have this and there is no certainty that it would necessarily be granted. As such, based on the proposed layout, this proposal would adversely affect the amenity afforded to the upper storey residential dwelling as it would share its private garden with the transient persons of the short term let accommodation and because it would be likely to result in adverse noise levels and disturbance.

Considering the requirements of Policy 14 of NPF4 and D1 of the ALDP, which require proposals to be designed for lifelong wellbeing through ensuring spaces, routes and buildings feel safe, as well as development to be safe and pleasant. The proposal would therefore adversely affect the residential amenity of the surrounding area, in conflict with Policies 14 (Design, Quality and Place) of NPF4 and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the ALDP. The proposal would furthermore conflict with Policy 30 (Tourism) e) i) of NPF4 in that the proposal is for the reuse of an existing property for short term holiday letting, which would have an unacceptable impact on local amenity.

In determining this application, due consideration has been given to the current fact that the applicant is, and the intention is that they would continue to be, both the owner and resident of the upper storey dwelling as well as the owner and operator of the short term let unit, and thus in this arrangement the conflict between the residential and short term let uses would be within the control of the applicant. The aforementioned conflicts between the residential use and the short term let use would arise if the owner and operator of the short term let was to no longer reside in the upper floor dwelling or if the short term let unit was to be sold off or managed independently of the resident of the upper floor dwelling. Detailed consideration has thus been given as to whether it would be competent to apply a legal agreement or a planning condition for a personal permission or to require the owner of the short term let to be resident in the upper floor dwelling above. Scottish Government Planning Circular 4/1998 states that:

'Unless the permission otherwise provides, planning permission runs with the land and conditions imposed on the grant of planning permission will bind successors in title and it is seldom desirable to provide otherwise.'

It furthermore states that:

'There are occasions relating, for example, to strong compassionate or other personal grounds, where the planning authority is minded to grant permission for the use of a building or land for some purpose which would not normally be allowed. In such a case the permission may be made subject to a condition that it shall ensure only for the benefit of a named person- usually the applicant.'

Based on the advice from the Council's Legal Service, the Planning Service does not identify competent means of applying such a condition or legal agreement. The application of a legal agreement or a condition to prevent the short term let accommodation from being sold or operated independently of the dwelling or to limit the permission to the applicant would not meet the tests for planning conditions set out in Scottish Government Planning Circular 4/1998: The Use of Planning Conditions or Scottish Government Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements on the grounds that it would be unreasonable. Planning Circular 3/2012 states with respect to the obligations imposing restrictions on the use of land or buildings: *'can be intrusive, resource-intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints.'* A condition or legal agreement could put a severe limitation on the freedom of the owner to dispose of his property as it could put a significant burden on the property as it would involve the site having to be owned and used as both a short term let unit and a dwelling at the same time by the applicant. It could place significant financial strain on the owner, make it difficult to sell the property and affect their right of freedom to relocate. A legal agreement would be unduly onerous given the permission would have been granted for a temporary period of five years (for separate reasons which are explained below). There are furthermore no known strong personal or compassionate grounds for this proposal which would justify such a condition or legal agreement that would justify a personal permission condition, which would also be required in order to meet the requirements of Scottish Government Planning Circular 4/1998.

As such, the proposed change of use of the lower ground floor to short term let accommodation would conflict with the Development Plan, specifically Policies 30(e)(i) and 14 of NPF4 and Policies H1, D1 and D2 of the ALDP. This is due to the conflict between the proposed change of use of the lower ground floor to short term let accommodation and the residential use above in that it the proposed short term let accommodation would adversely affect the residential amenity afforded to the dwelling. As noted above, there are no competent planning controls in terms of a legal agreement or a condition to overcome the conflicts with the Development Plan. There is therefore no option but to refuse planning permission.

It is requested in the Supporting Letter that a discontinuance condition could be applied to address this matter so that the issue of amenity can be considered in the future. Such a condition would not be sufficient as these issues and conflict with the Development Plan would arise during the time in which it has been granted, irrespective of if it were to cease operation at some stage in the future.

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 change of use of the ground floor of this property to STL accommodation would offer a different type of visitor accommodation to hotels and guesthouses that could be more attractive for certain visitors, particularly families and business travellers / contract workers who could 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:*
- *offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- *offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- *offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- *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).'*

The Short-term Lets Aberdeen Planning Guidance states that *'there is currently limited evidence on the local economic benefits of STLs in Aberdeen and this makes it difficult to undertake a detailed assessment of STL proposals against NPF4 policy 30. More such evidence may emerge over time.'* It does, however, acknowledge that given STLs are generally expected to be used by tourists and / or business travellers, it is 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. This is supported 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.

Given that the proposal would comprise a tourism facility that would not be in the city centre, the proposal would have tensions with Policy VC2 (Tourism and Culture) of the ALDP. In assessing the magnitude of this tension, it is acknowledged that the site is in close proximity to the businesses and amenities of the Rosemount Place Town Centre, it is less than 100m from a bus stop to the city centre and an approximate 600m walking distance to the city centre. The site thus provides sustainable and public transport links to the city centre and is in close proximity to a Town Centre. Acknowledging its sustainable location and accessibility to the city centre, the scale of the proposal, and that there are currently few properties in STL use in the area, on balance, the proposal would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree, in compliance with the aims of Policy VC2 (Tourism and Culture) of the ALDP. As such, the tension with this policy is not to a degree whereby it constitutes a reason to refuse the application.

The Short-term Let 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. This in Aberdeen is different from other areas of Scotland (such as in Edinburgh and the Highlands and Islands). It is therefore considered that the loss of residential accommodation resulting from the change of use of the lower ground floor to STL accommodation would not have had any significant impact on local housing need. As such, the STL use is generally compliant with the aims of Policy 30(e)(ii) of NPF4. However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process. 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 change of use of the lower ground floor to STL accommodation on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location in a residential area. The Short-term Lets Aberdeen Planning Guidance states that *'As such, planning permissions to change the use of existing residential accommodation to STLs will generally only be granted for a time-limited period. This will normally be for a period of five years and this will be controlled through the imposition of a condition on the planning permission'*. It has been requested in the Supporting Letter that such a condition should instead be considered for a time-limited period of ten years. However, had the Planning Authority been minded to grant planning permission, consent would have been granted for a time-limited period of five years, the time period between the publication of HNDAs. Notwithstanding every planning application is assessed on its own merits, the time limit of five years has been applied to the vast majority of short-term lets that have been approved by Aberdeen City Council where they would remove residential accommodation. The Scottish Government Circular 1/2023 states that planning authorities may consider applying such conditions for a time period as they consider appropriate. As such, a condition to require the permitted use to be discontinued after five-year time period would have been applied:

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

Transport and Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policies 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 under 30m from the nearest bus stop on the southwest side of Craige Loanings, which has three bus routes running north and west and thus the development would be within 400m of the nearest bus stop, in accordance with Policy T2 of the ALDP. The application property is c.600m from the city centre boundary and is close to the

amenities and businesses of the Rosemount Place Town Centre. It is anticipated that many of the customers staying at the property on a short-term basis would be tourists or business travellers arriving using public transportation. Given on-street parking in the area is controlled by way of a Controlled Parking Zone, the proposal would have a negligible impact on parking provision in the area and the local transport network. Whilst the proposed change of use conflicts with the Development Plan for the reasons set out earlier in this evaluation, the proposal is compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Storage and Collection

Policy 12 (Zero Waste) of NPF4 and Policy R6 (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. It is understood that the business owner can pay a financial contribution towards the collection of the waste, via a business waste contract with the Council in lieu of not paying Council Tax. Therefore, waste and recyclables generated by the customers of the property can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract. Whilst the proposed change of use conflicts with the Development Plan for the reasons set out earlier in this evaluation, the waste storage and collection arrangements would be in accordance with Policies 12 of NPF4 and R6 of the ALDP.

Tackling the Climate and Nature Crises 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 development, comprising the change of use of the lower ground floor of this dwelling, is sufficiently small-scale such that it would not have any material impact on the global climate and nature crises, 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, whilst the proposed change of use conflicts with the Development Plan for the reasons set out earlier in this evaluation, it is compliant with Policies 1 and 2 of NPF4, and although it would not include measures to enhance biodiversity, which would have minor tensions with Policy 3 of NPF4, the proposal is a change of use, small-scale and does not offer the opportunity for meaningful biodiversity enhancements. The tension with Policy 3 thus does not constitute a reason to refuse this planning application.

DECISION

Refuse

REASON FOR DECISION

The proposed change of use of the lower ground floor to short term let accommodation would adversely affect the residential amenity afforded to the upper floor residential dwelling on the basis that it would adversely affect the sense of security and privacy afforded to the occupants of that dwelling. The proposal therefore conflicts with Policies 30 (Tourism and Culture) and 14 (Design,

Quality and Place) of National Planning Framework 4 and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

Whilst the applicant is currently the owner and resident of the upper storey dwelling and would intend to be the owner and operator of the proposed short term let accommodation at lower ground floor level, the conflicts between uses would arise if the owner were to no longer reside the upper storey dwelling or if the short term let accommodation were to be operated independently of the resident of that dwelling. A competent legal agreement or planning condition to restrict the occupation or ownership of the two uses to overcome this conflict with the Development Plan cannot be identified because such a condition would be unreasonable and could place a significant burden on both the property and subsequently the owner. There is thus no option but to refuse planning permission.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100642913-001

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

Type of Application

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

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

Description of Proposal

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

Change of use of lower floor of semi detached house to Short Term Let accommodation (sui generis)

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

10/01/2020

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Short Term Licence scheme did not exist.

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Malcolm"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text" value="Duckworth"/>	Address 1 (Street): *	<input type="text" value="Westfield Terrace"/>
Company/Organisation	<input type="text" value="n/a"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB25 2RU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="5 Westfield Terrace Aberdeen AB25 2RU"/>
--

Northing	<input type="text" value="806233"/>	Easting	<input type="text" value="392786"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Discussed planning permission application and was given guidance on the correct way to complete form and how to answer the questions

Title:

Mr

Other title:

First Name:

Esmond

Last Name:

Sage

Correspondence Reference Number:

n/a

Date (dd/mm/yyyy):

27/09/2023

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

Site Area

Please state the site area:

650.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Dwelling House with lower floor as Short Term Let

Access and Parking

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

Yes No

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

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

Yes No

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

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

0

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

0

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

Dedicated area for bins in front garden

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Not in a Use Class

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

90

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

STL in lower floor of three storey semi detached house. The back door of the house is the "front door" of the part used for Short Term Let. No changes have been made structurally to the house. Lower floor connected to main house i.e. still one house

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr Malcolm Duckworth

On behalf of:

Date: 29/09/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Checklist Airbnb link to property

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Malcolm Duckworth

Declaration Date: 29/09/2023

Payment Details

Online payment: ABSP00010111
Payment date: 29/09/2023 16:11:00

Created: 29/09/2023 16:11

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mr Malcolm Duckworth
5 Westfield Terrace
Aberdeen
AB25 2RU

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

Application Reference Number	231206/DPP
Address of Development	5 Westfield Terrace Aberdeen AB25 2RU
Description of Development	Change of use of lower ground floor to short term let accommodation (sui generis) with maximum occupancy of 4 people
Date of Decision	4 September 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

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

The proposed change of use of the lower ground floor to short term let accommodation would adversely affect the residential amenity afforded to the upper floor residential dwelling on the basis

that it would adversely affect the sense of security and privacy afforded to the occupants of that dwelling. The proposal therefore conflicts with Policies 30 (Tourism and Culture) and 14 (Design, Quality and Place) of National Planning Framework 4 and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

Whilst the applicant is currently the owner and resident of the upper storey dwelling and would intend to be the owner and operator of the proposed short term let accommodation at lower ground floor level, the conflicts between uses would arise if the owner were to no longer reside the upper storey dwelling or if the short term let accommodation were to be operated independently of the resident of that dwelling. A competent legal agreement or planning condition to restrict the occupation or ownership of the two uses to overcome this conflict with the Development Plan cannot be identified because such a condition would be unreasonable and could place a significant burden on both the property and subsequently the owner. There is thus no option but to refuse planning permission.



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

PLANS AND DRAWINGS

231206/1	Location Plan
231206/3	Lower Ground Floor Plan (Proposed)
231206/2	Short Term Let Checklist

Signed on behalf of the planning authority

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

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

SERVICE OF PURCHASE NOTICE

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

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Consultee Comments for Planning Application 231206/DPP

Application Summary

Application Number: 231206/DPP

Address: 5 Westfield Terrace Aberdeen AB25 2RU

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

Case Officer: Roy Brown

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for change of use of lower ground floor to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people at 5 Westfield Terrace, Aberdeen AB25 2RU.

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

It is considered that both the existing and proposed uses shall retain the same associated parking provision, therefore as the site has no associated parking there is no net detriment in terms of shortfall. Additionally, as the site is located within a CPZ there is no scope for indiscriminate parking.

As such, it is confirmed that Roads Development Management have no objections to this application.

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Aberdeen City Council – Development Management Team Consultation Request

Response for application 231206 5 Westfield Terrace

Please select one of the following.

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

COMMENTS

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

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

See below for general comments:

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

For further independent guidance about waste and recycling provision, storage and collection

please refer to the following document:

http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Responding Officer: L Todd

Date: 10/10/2023

Email: wasteplanning@aberdeencity.gov.uk

James and Janice Anderson
3 Westfield Terrace
Aberdeen
AB25 2RU
Tel: [REDACTED]
Mob: [REDACTED]
[REDACTED]

Draft:

To whom it may concern:

Ref: Planning Application No:231206/DPP Refusal of Planning Permission
5 Westfield Terrace, Aberdeen AB25 2RU

My wife and I live at 3 Westfield Terrace, Aberdeen, next door to Malcolm Duckworth, who has submitted a formal Planning Application to Aberdeen City Council, to regularise the bottom floor of 5 Westfield Terrace for part time Air Band B use, on behalf of his [REDACTED] mother, the owner of the house at No 5. His mother, [REDACTED] [REDACTED] has recently had to go into a care home.

We are writing to support his application, which we were extremely surprised to find out, has been rejected by the Planning Department, which we both find to be quite an extraordinary decision by the Planning official involved.

As an Architect, having practiced now for many years, I am writing to urge that this Planning Application is approved by your Committee. The ground floor belonging to No5, like our own and most of our other neighbours in Westfield Terrace, has previously been let out for many years on a variable tenancy basis. It has been managed by Mr. Duckworth, who lives there, on behalf of his mother, for all these years.

For the Planning Officer to suggest that the house could be divided is simplistic, to put it mildly. In order to create two occupancies in this house would be hugely expensive and complicated, due to onerous requirements in the Building Regulations relating to Fire and Soundproofing Regulations. I am puzzled as to why he would suggest this, since I know that Mr. Duckworth has no intentions of carrying out such an operation!

Over the past four years, since Malcolm started letting two bedrooms on the ground floor of the house on a short term basis, we, along with all of the neighbours with whom we have spoken, can honestly say that there has been absolutely no impact in Westfield Terrace from tenants of the Air B and B being carried out next door. We do not know when the flat is occupied, and when it is not.

[REDACTED]
[REDACTED]
[REDACTED]. For several years, Malcolm served as a carer for his mother, [REDACTED]
[REDACTED] Unfortunately, [REDACTED], his

mother had to be admitted to the nursing home. It will be appreciated that nursing home care is extremely expensive. To underwrite the care costs, the ground floor rooms of the house, which had been let out for many years on a monthly basis, was let out at that time as an Air B and B.

It is essential that the maximum be earned, for the benefit of her property [REDACTED]. Long term lets simply would not provide enough funds to accommodate her financial needs.

Malcolm, willingly, has gone to the trouble of managing the Air B and B, with the blessing of his two sisters. He alone has taken on this responsibility of the Air B and B, as one of his sisters lives in London, and the other lives near Banchory, [REDACTED].

Malcolm [REDACTED], who has successfully modified his own working time to give him sufficient time to operate the Air B&B for his mother's welfare. He gains no personal financial benefit for this, carefully scanning each prospective tenant prior to any letting agreement.

The Air B and B, which has operated without any problems for the past few years, provides a much needed service to provide accommodation for visitors in Aberdeen's recent declining popularity.

Putting on my Architect's hat, I have reviewed the Planning Department's document "Report of Handling by Development Management Manager". I am extremely unhappy with the way that the application has been processed on this occasion by the Planning Department. I enclose a copy of the document, with my comments relating to many aspects of the Planning Officer's statements.

We trust that these comments will help to enable the Planning Refusal to be reversed.

Thank you,

James and Janice Anderson

Alexander and Mary Anderson
7 Westfield Terrace
Aberdeen AB25 2RU

8 November, 2024

Ref: Planning Application No:231206/DPP Refusal of Planning Permission
5 Westfield Terrace, Aberdeen AB25 2RU

As neighbours at No 7, we have been informed that Malcolm Duckworth has been refused Planning Permission for his Air B&B in the lower floor of No 5. I can confirm that, in the four years this part of the house has been used as AirBnB, we have had no problem with noise or interference from guests and fully support his application.

/Indeed, we are unaware as to when the AirBnB visitors are in occupation!

Your Faithfully,

A large black rectangular redaction box covering the signature area.

Alexander R. Anderson

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Application 231206/DPP

Development Plan

National Planning Framework 4

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

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 13. Sustainable transport
- 14. Design, Quality and Place
- 30. Tourism

Aberdeen Local Development Plan 2023

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

- H1 Residential Areas
- D1 Quality Placemaking
- D2 Amenity
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- T2 Sustainable Transport
- T3 Parking

Aberdeen Planning Guidance (APG)

- [Short-term Lets](#)

Other Material Considerations- National Policy and Guidance

- [Historic Environment Policy for Scotland \(HEPS\)](#)

Scottish Government publications:

- Circular 1/2023: Short Term Lets and Planning [Planning circular 1/2023: short-term lets and planning - gov.scot \(www.gov.scot\)](#)
- Short Term Lets: Business and regulatory impact assessment – November 2021 [G. Wider economic context - Short-term lets: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](#)
- Scottish Government – Research into the impact of short-term lets on communities across Scotland – October 2019 [people-communities-places-research-impact-short-term-lets-communities-scotland.pdf \(www.gov.scot\)](#)

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NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mr"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Malcolm"/>	Forename	<input type="text"/>
Surname	<input type="text" value="Duckworth"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="5"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="Westfield Terrace"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Aberdeen"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="AB25 2RU"/>	Postcode	<input type="text"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input style="background-color: black; color: black;" type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input style="background-color: black; color: black;" type="text"/>	Email	<input type="text"/>
3. Application Details			
Planning authority	<input type="text" value="Aberdeen City Council"/>		
Planning authority's application reference number	<input type="text" value="231206/DPP"/>		
Site address	<input style="height: 100px;" type="text" value="5 Westfield Terrace, Aberdeen AB25 2RU"/>		
Description of proposed development	<input style="height: 50px;" type="text" value="Short Term Let License"/>		

Date of application	6.10.2023	Date of decision (if any)	4.9.2024
<p><u>Note.</u> This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.</p>			
4. Nature of Application			
Application for planning permission (including householder application)			<input checked="" type="checkbox"/>
Application for planning permission in principle			<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)			<input type="checkbox"/>
Application for approval of matters specified in conditions			<input type="checkbox"/>
5. Reasons for seeking review			
Refusal of application by appointed officer			<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application			<input type="checkbox"/>
Conditions imposed on consent by appointed officer			<input type="checkbox"/>
6. Review procedure			
<p>The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.</p> <p>Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.</p>			
Further written submissions			<input type="checkbox"/>
One or more hearing sessions			<input checked="" type="checkbox"/>
Site inspection			<input type="checkbox"/>
Assessment of review documents only, with no further procedure			<input type="checkbox"/>
<p>If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.</p>			
<p>I require further clarification from Aberdeen Council on Review Procedure. Provided documents are to go before Appeal Committee. Site Visit welcome by Appeal Committee.</p>			
7. Site inspection			
In the event that the Local Review Body decides to inspect the review site, in your opinion:			
Can the site be viewed entirely from public land?			<input type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?			<input checked="" type="checkbox"/>

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

They need access to my house.

8. Statement

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see separate document called:
5 Westfield Terrace Aberdeen Appeal Reference 231206/DPP

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

1. 5 Westfield Terrace Aberdeen Appeal Reference 231206/DPP
2. 5 Westfield Terrace Aberdeen Delegated Report J Anderson Architects Comments
3. A M Anderson Letter of Support
4. J Anderson 3 Westfield Terrace Letter of Support
5. AirBnB Reviews

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

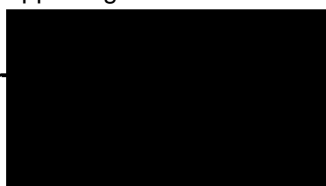
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my


Signature:



Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

	Strategic Place Planning
	Report of Handling by Development Management Manager
Site Address:	5 Westfield Terrace, Aberdeen, AB25 2RU
Application Description:	Change of use of lower ground floor to short term let accommodation (sui generis) with maximum occupancy of 4 people
Application Ref:	231206/DPP
Application Type:	Detailed Planning Permission
Application Date:	6 October 2023
Applicant:	Mr Malcolm Duckworth
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw

[Relevant Planning Officer's comments in blue](#)

[JD Anderson Architect comments in red](#)

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises the lower ground floor of a granite-built residential dwellinghouse, site, its southeast facing rear elevation is 2½ storey in form. The site adjoins numbers 7 and 7A Westfield Terrace to the southwest. 3 Westfield Terrace is adjacent to the property to the northeast.

The lower ground floor comprises two bedrooms, a bathroom, a kitchen, a living room, a utility room and storage. Whilst there is a staircase which leads to the upper floor of the dwelling, it is understood that this is not used and the door between the ground floor and the lower ground floor is locked. The lower ground floor is accessed from a door to the rear garden on the rear elevation by the east side of the property. It is understood that the lower ground floor is being used exclusively by short term let occupants and that the floors above are used solely as a dwelling. The information submitted states the lower ground floor has been in use as short term let accommodation since 2020 and that prior to this, it was in use as a 'mainstream flat for 36 years'. There are no building warrant records with respect to the formation of the unit in the lower ground floor. There is also no evidence or planning records to confirm this, nor does the internal layout – which includes an internal connection to the upper floor suggest that such an arrangement has been formalised.

Relevant Planning History: None.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the lower ground floor to short term let (STL) accommodation with a maximum occupancy of four people at any given time. The formation of the short term let unit would **effectively sub-divide the dwellinghouse** into a residential dwelling over the ground and first floors, which would be accessed from the front door of the property, and a lower ground floor short term let unit, which would be accessed from the door on the rear elevation via a path to the side of the property.

(This is not the case. It is still one house, with an existing staircase giving complete access to the garden flat if necessary)

The application states that occupants would stay for a minimum of two nights, and would be able to park using a residential parking permit. The STL accommodation would be cleaned after each booking and waste would be disposed of in the residential bins.

Amendments

None.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1R8HNBZG6600>

- Planning Supporting Information Checklist
- Supporting Letter (Prepared by Ryden)

CONSULTATIONS

ACC - Environmental Health – No response received.

ACC - Roads Development Management Team – No objection –The existing and proposed do not have associated parking and thus there is no net detriment. As the site is within a Controlled Parking Zone, there is no scope for indiscriminate parking.

ACC - Waste and Recycling – No objection – The development is classified as commercial and therefore receives a business waste collection. General advice regarding commercial waste requirements has been provided.

Queen's Cross and Harlaw Community Council – No response received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

as material to the application, unless material considerations indicate otherwise.

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.

(The character or appearance the Conservation Area is unchanged and preserved)

Development Plan

National Planning Framework 4

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

Aberdeen Local Development Plan 2023

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

Aberdeen Planning Guidance

- Short-term Lets

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)
- Research into the impact of short-term lets on communities across Scotland (October 2019)

EVALUATION

The Short-term Lets Aberdeen Planning Guidance states that *'All planning applications for [short term let accommodation] will be treated on their own merits and will be assessed in line with relevant Development Plan policies and any other material considerations.'* These policies are set out throughout this evaluation.

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

Paragraph (e) of Policy 30 (Tourism) of NPF4 states:

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

- 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.

Impact on the Character and Amenity of the Area

The application site is zoned on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP) under Policy H1 (Residential Areas). Policy H1 states that 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.

In terms of the impact on the character of the immediate surrounding area, despite its central location within the city and the high density of the streets elsewhere in Rosemount, Westfield Terrace is characterised by dwellinghouses which are set back from the road and its relatively quiet residential nature, including low levels of traffic and footfall. The grant of planning permission for the change of use of the lower ground floor to STL accommodation would intensify the use of the site and result in transient persons accessing the property, presenting an increase in activity and coming and goings, compared to its existing use. Given the scale and intensity of the use in its context, and notwithstanding the adverse impact on residential amenity set out below, the use of the lower ground floor by non-residential occupants would not significantly change the general character of the surrounding area. However, it is accepted that with respect to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as no external alterations proposed, the character and appearance of the area would be preserved and, thus **the proposal would have no material impact on the character and appearance of Rosemount Place and Westburn Conservation Area. Agreed**

Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) requires development to be *'Healthy: Supporting the prioritisation of women's safety and improving physical and mental health'*. This includes (in Appendix D 'Six Qualities of Successful Places' of NPF4) *'designing for lifelong wellbeing through ensuring spaces, routes and buildings feel safe and welcoming e.g. through passive surveillance'*. The qualities of successful places referred to in Policy D1 (Quality Placemaking) of the ALDP seek development to be safe and pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy. Policy D2 (Amenity) of the ALDP seeks residential developments to ensure occupiers are afforded adequate levels of privacy and noise.

'Healthy: Supporting the prioritisation of women's safety and improving physical and mental health'
'designing for lifelong wellbeing through ensuring spaces, routes and buildings feel safe and welcoming e.g. through passive surveillance'

What exactly does that have to do with the use of this property as an Air B&B?

It is considered that the change of use of the lower ground floor of this building to STL accommodation could result in increased harm to the amenity of the neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, if it were to have an impact from the following:

- The disturbance of privacy and the perceived impact on safety by transient persons unknown to neighbouring residents.
- If it was possible for noise to arise from customer activities within the unit and in the curtilage, particularly in the quieter, more sensitive late evening, and early morning periods – especially if used as a 'party flat'.

In this instance, the impact on amenity from the change of use of the lower ground floor to STL accommodation would arise from the impact on safety and security, either actual or perceived, (??) and the potential disturbance of privacy to the upper floor dwelling as a result of the occupants sharing their residential curtilage solely with the transient persons staying in the STL, as well as the cleaners. The occupants of the STL unit would further be required to cross through both the front and rear

curtilage to access the STL unit. Thus, the use of this space by frequently changing transient persons staying on a non-residential basis, unknown to the occupants of the upper storey dwelling would have an adverse impact on the amenity through the loss of privacy and a sense of safety and security, either actual or perceived. **?? This is theoretical nonsense!**

In terms of noise impact, based on the layout of the building, an internal door would be the only internal division between the residential use and the short term let unit. Whilst with the maximum occupancy proposed being four persons, it is unlikely that the property would be used for the hosting of parties or other events of an anti-social nature. Without any acoustic measures (noting it is currently part of the same property), the short term let would nevertheless be very likely to have an adverse impact on the amenity afforded to the residential dwelling in the upper floors in terms of noise from the occupants of the short term let in terms of comings and goings of transient persons, cleaners as well as there being four occupants, which is a relatively high number for the size of the two-bedroom short term let unit.

These two paragraphs above are absolute nonsense- how would it disturb the privacy of the upper floor dwelling, since it is the upper floor occupant making the application??

With respect to the adjoining residential properties to the southwest, (7 and 7A Westfield Terrace), given the STL accommodation is located at the lower ground floor level, it is understood that the wall between the STL accommodation and the adjacent dwelling is a structural stone wall given the age and character of the building and thus it is unlikely that short term let accommodation would adversely affect the amenity of those adjacent properties in terms of noise.

Stating the obvious!- Neither No's 7, 7A, nor No3, have had any objections to the Air B&B in No 5 in the the course of the last three years!

Whilst applying a condition to block up the door with the upper floor to totally separate the upper floor and lower ground floor uses to address the noise concerns has been considered, it is understood that a building warrant is required for the conversion of the lower ground floor into a separate unit, it does not have this and there is no certainty that it would necessarily be granted. As such, based on the proposed layout, this proposal would adversely affect the amenity afforded to the upper storey residential dwelling as it would share its private garden with the transient persons of the short term let accommodation and because it would be likely to result in adverse noise levels and disturbance.

Once again, the comments in this paragraph do not make sense- since it is the upper floor occupant making the application?? Why on earth would the Planner suggest "blocking up the door with the upper floor uses to address the noise concerns!" What concerns- what "reduction of noise?"

Considering the requirements of Policy 14 of NPF4 and D1 of the ALDP, which require proposals to be designed for lifelong wellbeing through ensuring spaces, routes and buildings feel safe, as well as development to be safe and pleasant. The proposal would therefore adversely affect the residential amenity of the surrounding area, in conflict with Policies 14 (Design, Quality and Place) of NPF4 and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the ALDP. The proposal would furthermore conflict with Policy 30 (Tourism) e) i) of NPF4 in that the proposal is for the reuse of an existing property for short term holiday letting, which would have an unacceptable impact on local amenity.

Once again- what absolute theoretical nonsense! The neighbouring properties in the street are hardly aware as to when the lower floor of No 5 is being occupied- or not! This would affect any premises beinused for short term or long term rental use!

In determining this application, due consideration has been given to the current fact that the applicant is, and the intention is that they would continue to be, both the owner and resident of the upper storey dwelling as well as the owner and operator of the short term let unit, and thus in this arrangement the conflict between the residential and short term let uses would be within the control of the applicant. The aforementioned conflicts between the residential use and the short term let use would arise if the owner and operator of the short term let was to no longer reside in the upper floor dwelling or if the short term let unit was to be sold off or managed independently of the resident of the upper floor dwelling.

The reason for the short term let is to provide funds to pay for the care of Mr. Duckworth's mother, who is in a Care Home. As and when these circumstances change, the requirement for Air B&B may have to be re-appraised. However, as there are no objections from Mr. Duckworth, as the occupant of the upper floors of the house, (nor from any neighbours) relating to "conflicts", it is difficult to understand the objections being raised by the Planning Officer?

Detailed consideration has thus been given as to whether it would be competent to apply a legal agreement or a planning condition for a personal permission or to require the owner of the short term let to be resident in the upper floor dwelling above. Scottish Government Planning Circular 4/1998 states that:

'Unless the permission otherwise provides, planning permission runs with the land and conditions imposed on the grant of planning permission will bind successors in title and it is seldom desirable to provide otherwise.'

It furthermore states that:

'There are occasions relating, for example, to strong compassionate or other personal grounds, where the planning authority is minded to grant permission for the use of a building or land for some purpose which would not normally be allowed. In such a case the permission may be made subject to a condition that it shall ensure only for the benefit of a named person- usually the applicant.'

The reason for the short term let is to provide funds to pay for the care of Mr. Duckworth's mother who is in a Care Home

Based on the advice from the Council's Legal Service, the Planning Service does not identify competent means of applying such a condition or legal agreement. The application of a legal agreement or a condition to prevent the short term let accommodation from being sold or operated independently of the dwelling or to limit the permission to the applicant would not meet the tests for planning conditions set out in Scottish Government Planning Circular 4/1998: The Use of Planning Conditions or Scottish Government Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements on the grounds that it would be unreasonable. Planning Circular 3/2012 states with respect to the obligations imposing restrictions on the use of land or buildings: *'can be intrusive, resource-intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints.'* A condition or legal agreement could put a severe limitation on the freedom of the owner to dispose of his property as it could put a significant burden on the property as it would involve the site having to be owned and used as both a short term let unit and a dwelling at the same time by the applicant. It could place significant financial strain on the owner, make it difficult to sell the property and affect their right of freedom to relocate. A legal agreement would be unduly onerous given the permission would have been granted for a temporary period of five years (for separate reasons which are explained below). There are furthermore no known strong personal or compassionate grounds for this proposal which would justify such a condition or legal agreement that would justify a personal permission condition, which would also be required in order to meet

the requirements of Scottish Government Planning Circular 4/1998.

As such, the proposed change of use of the lower ground floor to short term let accommodation would conflict with the Development Plan, specifically Policies 30(e)(i) and 14 of NPF4 and Policies H1, D1 and D2 of the ALDP. This is due to the conflict between the proposed change of use of the lower ground floor to short term let accommodation and the residential use above in that it the proposed short term let accommodation would adversely affect the residential amenity afforded to the dwelling. As noted above, there are no competent planning controls in terms of a legal agreement or a condition to overcome the conflicts with the Development Plan. There is therefore no option but to refuse planning permission.

It is requested in the Supporting Letter that a discontinuance condition could be applied to address this matter so that the issue of amenity can be considered in the future. Such a condition would not be sufficient as these issues and conflict with the Development Plan would arise during the time in which it has been granted, irrespective of if it were to cease operation at some stage in the future.

A condition or legal agreement could put a severe limitation on the freedom of the owner to dispose of his property as it could put a significant burden on the property as it would involve the site having to be owned and used as both a short term let unit and a dwelling at the same time by the applicant. It could place significant financial strain on the owner, make it difficult to sell the property and affect their right of freedom to relocate.

Nonsense! If the property is sold, it would be as a single residence. No Air B&B use involved with regard to the sale.

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 change of use of the ground floor of this property to STL accommodation would offer a different type of visitor accommodation to hotels and guesthouses that could be more attractive for certain visitors, particularly families and business travelers / contract workers who could 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:*
- *offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- *offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- *offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- *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).’*

- **Please note the above!**

The Short-term Lets Aberdeen Planning Guidance states that *'there is currently limited evidence on the local economic benefits of STLs in Aberdeen and this makes it difficult to undertake a detailed assessment of STL proposals against NPF4 policy 30. More such evidence may emerge over time.'* It does, however, acknowledge that given STLs are generally expected to be used by tourists and / or business travellers, it is 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. This is supported 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.

Given that the proposal would comprise a tourism facility that would not be in the city centre, the proposal would have tensions with Policy VC2 (Tourism and Culture) of the ALDP. In assessing the magnitude of this tension, it is acknowledged that the site is in close proximity to the businesses and amenities of the Rosemount Place Town Centre, it is less than 100m from a bus stop to the city centre and an approximate 600m walking distance to the city centre. The site thus provides sustainable and public transport links to the city centre and is in close proximity to a Town Centre. Acknowledging its sustainable location and accessibility to the city centre, the scale of the proposal, and that there are currently few properties in STL use in the area, on balance, the proposal would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree, in compliance with the aims of Policy VC2 (Tourism and Culture) of the ALDP. As such, the tension with this policy is not to a degree whereby it constitutes a reason to refuse the application.

What "tensions"??- There are no tensions!

The Short-term Let 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. This in Aberdeen is different from other areas of Scotland (such as in Edinburgh and the Highlands and Islands). It is therefore considered that the loss of residential accommodation resulting from the change of use of the lower ground floor to STL accommodation would not have had any significant impact on local housing need. As such, the STL use is generally compliant with the aims of Policy 30(e)(ii) of NPF4. However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process. 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 change of use of the lower ground floor to STL accommodation on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location in a residential area. The Short-term Lets Aberdeen Planning Guidance states that *'As such, planning permissions to change the use of existing residential accommodation to STLs will generally only be granted for a time-limited period. This will normally be for a period of five years and this will be controlled through the imposition of a condition on the planning permission'*. It has been requested in the Supporting Letter that

such a condition should instead be considered for a time-limited period of ten years. However, had the Planning Authority been minded to grant planning permission, consent would have been granted for a time-limited period of five years, the time period between the publication of HNDAs. Notwithstanding every planning application is assessed on its own merits, the time limit of five years has been applied to the vast majority of short-term lets that have been approved by Aberdeen City Council where they would remove residential accommodation. The Scottish Government Circular 1/2023 states that planning authorities may consider applying such conditions for a time period as they consider appropriate. As such, a condition to require the permitted use to be discontinued after five-year time period would have been applied:

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

‘As such, planning permissions to change the use of existing residential accommodation to STLs will generally only be granted for a time-limited period. This will normally be for a period of five years and this will be controlled through the imposition of a condition on the planning permission’

If the Short-term Lets Aberdeen Planning Guidance states that the application can be granted for 5 years, then why has the application not been granted on that basis?

Transport and Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policies 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 under 30m from the nearest bus stop on the southwest side of Craigie Loanings, which has three bus routes running north and west and thus the development would be within 400m of the nearest bus stop, in accordance with Policy T2 of the ALDP. The application property is c.600m from the city centre boundary and is close to the amenities and businesses of the Rosemount Place Town Centre. It is anticipated that many of the customers staying at the property on a short-term basis would be tourists or business travellers arriving using public transportation. Given on-street parking in the area is controlled by way of a Controlled Parking Zone, the proposal would have a negligible impact on parking provision in the area and the local transport network. Whilst the proposed change of use conflicts with the Development Plan for the reasons set out earlier in this evaluation, the proposal is compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Storage and Collection

Policy 12 (Zero Waste) of NPF4 and Policy R6 (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. It is understood that the business owner can pay a financial contribution towards the collection of the waste, via a business waste contract with the Council in lieu of not paying Council Tax. Therefore, waste and recyclables generated by the customers of the property can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract. Whilst the proposed change of use conflicts with the Development Plan for the reasons set out earlier in this evaluation, the waste storage and collection arrangements would be in accordance with Policies 12 of NPF4 and R6 of the ALDP.

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 development, comprising the change of use of the lower ground floor of this dwelling, is sufficiently small-scale such that it would not have any material impact on the global climate and nature crises, 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, whilst the proposed change of use conflicts with the Development Plan for the reasons set out earlier in this evaluation, it is compliant with Policies 1 and 2 of NPF4, and although it would not include measures to enhance biodiversity, which would have minor tensions with Policy 3 of NPF4, the proposal is a change of use, small-scale and does not offer the opportunity for meaningful biodiversity enhancements. The tension with Policy 3 thus does not constitute a reason to refuse this planning application.

DECISION

Refuse

REASON FOR DECISION

The proposed change of use of the lower ground floor to short term let accommodation would adversely affect the residential amenity afforded to the upper floor residential dwelling on the basis that it would adversely affect the sense of security and privacy afforded to the occupants of that dwelling. The proposal therefore conflicts with Policies 30 (Tourism and Culture) and 14 (Design,

Quality and Place) of National Planning Framework 4 and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

Whilst the applicant is currently the owner and resident of the upper storey dwelling and would intend to be the owner and operator of the proposed short term let accommodation at lower ground floor level, the conflicts between uses would arise if the owner were to no longer reside the upper storey dwelling or if the short term let accommodation were to be operated independently of the resident of that dwelling. A competent legal agreement or planning condition to restrict the occupation or ownership of the two uses to overcome this conflict with the Development Plan cannot be identified because such a condition would be unreasonable and could place a significant burden on both the property and subsequently the owner. There is thus no option but to refuse planning permission.

The proposed change of use of the lower ground floor to short term let accommodation would adversely affect the residential amenity afforded to the upper floor residential dwelling on the basis that it would adversely affect the sense of security and privacy afforded to the occupants of that dwelling.

Denied- What absolute nonsense- Planning Permission being granted would not place a significant burden on both the property and subsequently the owner. Otherwise, why the upper floor, owned by the applicants, submit this application?

... conflicts between uses would arise if the owner were to no longer reside the upper storey dwelling or if the short term let accommodation were to be operated independently of the resident of that

dwelling.

As previously stated, if the house were to be sold, Mr. Duckworth is happy to have a condition that the Air b and B would be no longer be valid.

Conclusion:

The Planning official in this case appears to be going out of his way to find really spurious excuses to curtail the present Air B and B use. There is no valid reason as to why this Application has been refused.

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Conclusion:

The Planning official in this case appears to be going out of his way to find any excuse to curtail the present Air B and B use. There is no valid reason as to why this Application has been refused.

5 Westfield Terrace Aberdeen Appeal Reference 231206/DPP

Dear Appeals Committee

Below is my appeal against the rejection of the Short Term License by Aberdeen Council Planning Department.

The relevant parts of the rejection notice are in black, and the appeal text is in red.

Please note: The Licensing Department of Aberdeen Council has granted the License to rent the property as a Short Term Let.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the lower ground floor to short term let (STL) accommodation with a maximum occupancy of four people at any given time. The formation of the short term let unit would effectively sub-divide the dwellinghouse into a residential dwelling over the ground and first floors, which would be accessed from the front door of the property, and a lower ground floor short term let unit, which would be accessed from the door on the rear elevation via a path to the side of the property.

Sub-Division of Property

- This information presented above is inaccurate. 5 Westfield Terrace is a single three-story property/house which consists of a lower ground floor (LGF), ground floor (GF) and first floor (1F). All the floors are accessed via internal staircases, as it is one house. I plan to rent a maximum of two bedrooms on a part time STL basis. There is no subdivision.
- The property has 5 bedrooms and a maximum of 2 are let out on the LGF. The house has only one heating, plumbing and electrical supply. The rooms on the LGF are let on a home sharing basis as I am always onsite when the rooms are let, due to the integrated nature of the property. Due to the unique design of the property, the guests can enter/leave the property via the back door without ever seeing/disturbing myself, at any time of the day. This allows both me and the guests privacy.
- It is never let when I am away (similar to B&B) as per a **Home Sharing License**. The guidance provided by the Scottish Government states 'home sharing' means you rent out all or part of your own home while you're living there". (<https://www.mygov.scot/short-term-let-licences>).
- In accordance with Scottish Government Guidance and as cited in the Aberdeen Council Documentation "ACC Planning Guidance", "*Planning permission is not generally required for letting rooms in a house (not a flat) where the letting is restricted to one bedroom in the house, and it has fewer than four bedrooms; or where the letting is restricted to one or two bedrooms in the house and it has four or more bedrooms. The letting would be ancillary to the principal*

use as a dwellinghouse”.

- Renting two bedrooms on a Home Sharing basis does not subdivide the house in any way as the internal staircase remains in place as it is required to access the LGF and is an essential part of the house.
- The above information in the Planners Report states there would be a subdivision in the house. This is inaccurate because the laundry facilities, the boiler, the stop cock for the property are also all in the LGF and access is required via the internal staircase.
- The staircase is also used to access the rooms for cleaning and maintenance. The LGF is simply the lower part of the whole property and letting out 2 rooms in no way subdivides the house.
- When no guests are staying it is simply the lower floor of the house and used as such by the owner as part of their home.

ACC - Roads Development Management Team – No objection –The existing and proposed do not have associated parking and thus there is no net detriment. As the site is within a Controlled Parking Zone, there is no scope for indiscriminate parking.

ACC - Waste and Recycling – No objection – The development is classified as commercial and therefore receives a business waste collection. General advice regarding commercial waste requirements has been provided.

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.

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.

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

Paragraph (e) of Policy 30 (Tourism) of NPF4 states:

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

- 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.
-

Impact on the Character and Amenity of the Area

The application site is zoned on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP) under Policy H1 (Residential Areas). Policy H1 states that 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.

In terms of the impact on the character of the immediate surrounding area, despite its central location within the city and the high density of the streets elsewhere in Rosemount, Westfield Terrace is characterised by dwellinghouses which are set back from the road and its relatively quiet residential nature, including low levels of traffic and footfall. The grant of planning permission for the change of use of the lower ground floor to STL accommodation would intensify the use of the site and result in transient persons accessing the property, presenting an increase in activity and coming and goings, compared to its existing use.

Given the scale and intensity of the use in its context, and notwithstanding the adverse impact on residential amenity set out below, the use of the lower ground floor by non-residential occupants would not significantly change the general character of the surrounding area. However, it is accepted that with respect to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as no external alterations proposed, the character and appearance of the area would be preserved and, thus the proposal would have no material impact on the character and appearance of Rosemount Place and Westburn Conservation Area.

Character and Preservation

- The character or appearance of the Conservation Area remains completely unchanged and completely preserved. The property cannot be seen from the street unless you access the very private, secluded and walled back garden.
- Every property from 1 to 11 on Westfield Terrace, has or does rent out part or all their LGF's and have done so for decades. The character of the street has never been affected. Why would that change now?
- An income stream from the STL allows the owners to maintain the “desirability of preserving or enhancing the character or appearance of conservation areas” as per the planning statement above. Without a regular income stream maintaining a traditional Aberdeen granite house becomes challenging.

Footfall

- Historically 5 Westfield Terrace has been in the same family for 42 years and the two bedrooms in the LGF have always been let out. Initially providing vital temporary accommodation to O&G industry, then professionals and now due to societal changes, STL.

- There is currently no evidence that this has had a detrimental effect on footfall within the local area during the last 4 decades. If there is evidence to the contrary, please can this be provided by the council planning department. The property has helped support local business for the last 4 decades.
- The design of the home and changes in the economy make it much less viable for long term rental and would be unlikely to return to that status ever. If it did, this potentially would increase the footfall and pressure on local amenities such as roads, parking, GP's, hospitals, and schools, in comparison to occasional visitors to the area.
- The average occupancy is about 40% per annum and the average stay is about 3 nights.
- There could be a large family living in the property which would increase the footfall. Can you please explain the difference.

Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) requires development to be 'Healthy: Supporting the prioritisation of women's safety and improving physical and mental health'. This includes (in Appendix D 'Six Qualities of Successful Places' of NPF4) 'designing for lifelong wellbeing through ensuring spaces, routes and buildings feel safe and welcoming e.g. through passive surveillance'. The qualities of successful places referred to in Policy D1 (Quality Placemaking) of the ALDP seek development to be safe and pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy. Policy D2 (Amenity) of the ALDP seeks residential developments to ensure occupiers are afforded adequate levels of privacy and noise.

'Healthy: Supporting the prioritisation of women's safety and improving physical and mental health' 'designing for lifelong wellbeing through ensuring spaces, routes and buildings feel safe and welcoming e.g. through passive surveillance'.

It is considered that the change of use of the lower ground floor of this building to STL accommodation could result in increased harm to the amenity of the neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, if it were to have an impact from the following:

- The disturbance of privacy and the perceived impact on safety by transient persons unknown to neighboring residents
- If it was possible for noise to arise from customer activities within the unit and in the curtilage, particularly in the quieter, more sensitive late evening, and early morning periods – especially if used as a 'party flat'.

In this instance, the impact on amenity from the change of use of the lower ground floor to STL accommodation would arise from the impact on safety and security, either actual or perceived, and the potential disturbance of privacy to the upper floor dwelling as a result of the occupants sharing.

their residential curtilage solely with the transient persons staying in the STL, as well as the cleaners. The occupants of the STL unit would furthermore need to cross through both the front and rear curtilage to access the STL unit. Thus, the use of this space by frequently changing transient persons staying on a non-residential basis, unknown to the occupants of the upper storey dwelling would have an adverse impact on the amenity through the loss of privacy and a sense of safety and security, either actual or perceived.

Healthy and Women's Safety

- This point is unclear as to “women's safety”, “healthy” and “passive surveillance” and how they are relevant to application? Please can this be clarified as to the meaning in relation to the STL application?
- 5 Westfield provides quiet, safe and secure accommodation, with the owner onsite. The secluded nature of the property minimises any potential disturbance to me or neighbours from noise.

Disturbance and Noise

- In 4 decades of renting bedrooms long and short term, no neighbours have ever been disturbed. There have never been any disturbances / noise nuisance / parties at the property, no complaints from neighbours, nor police reports or reports to the anti-social behaviour team in the past 4 decades. I am always in the residence when the rooms are let on a Home Sharing Basis, thus negating any possible issues around potential antisocial behaviour or parties. It is unclear why this would commence now?
- The immediate neighbours (No's 3 and 5) have written supporting statements, as per attached.
- This application is quite different from STL's within blocks of flats where internal and external areas are shared, noise disturbance and transient guests are more likely to cause issues as the owners do not reside onsite.
- There is no apparent evidence that antisocial behavior is more likely to be caused by tourists/travellers/businesspeople, than a long term resident. No anti-social behaviour has ever been reported because of guests I rent rooms to.
- The average demographics of guests staying at my house are a more mature clientele with a sedate agenda. They tend to be holiday makers or visiting family or working at / attending the local hospital/children's hospital.
- Many people require accommodation with no or limited steps/wheelchair access which I provide.
- Guests coming to stay at the property have been ID checked by the online rental platform and therefore there is a level of security and processes in place ensuring suitability of guests.

Usage of the property / Privacy / Safety – perceived

- This point is very unclear and does not seem to make sense as a reason for not granting a STL. The “perception” that this will disturb the owner with “loss of privacy and a “sense of safety” is that solely of the planner and not the owner, this seems to be based on the planner's conjecture and opinion.

- If I choose to let and maintain rooms, I can assure you there are no disturbances or security issues. Please clarify the difference between letting out rooms via a B&B/long term regarding this matter?
- If I was concerned, then I would choose not to let out the rooms. There is no-one else using the property to be disturbed or feel insecure. The house design with lockable internal doors means all parties concerned feel secure. Any other perception is again, solely that of the planner.
- There are no other occupants in the upper stories of the property.
- The points in the rejection above all require clarification and justification. It is the owner's choice when and when not to let the rooms in the property and therefore my decision on how much "disturbance I am willing to accept". The disturbance levels have always been zero, hence why the rooms have been let for the past 4 decades.

In terms of noise impact, based on the layout of the building, an internal door would be the only internal division between the residential use and the short term let unit. Whilst with the maximum occupancy proposed being four persons, it is unlikely that the property would be used for the hosting of parties or other events of an anti-social nature. Without any acoustic measures (noting it is currently part of the same property), the short term let would nevertheless be very likely to have an adverse impact on the amenity afforded to the residential dwelling in the upper floors in terms of noise from the occupants of the short term let in terms of comings and goings of transient persons, cleaners as well as there being four occupants, which is a relatively high number for the size of the two-bedroom short term let unit.

Level of Occupancy and disturbance

- Again, this point is unclear as the planner seems to indicate that no person should have anyone living beneath them just in case there is some noise disturbance. How does this affect people living in flats? Please can this be clarified?
- The house has been built in a way with an LGF with a space which lends itself to the usages of these rooms and subsequent rental without disturbance. For 4 decades of renting rooms there has never been any noise issues as stated above.
- Four occupants are not a high number, as the area used is very spacious, has two bathrooms and very ample seating areas and access to a private and fully secure back garden.
- The LGF is above the average 2-bedroom STL in size and facilities. Please see Aberdeen Council Register of approved STL properties to verify this.
- This accommodation is run by the owner and not any external rental management company. It is therefore totally reliant on me to maintain and manage. As it is one house it is not suitable to rent out the bedrooms as a separate entity/property.
- There are no cleaners, external companies, or transient people coming in and out. Again, this point is unclear and solely the perception of the planner.
- Please see the second review on the attached AirBnB document, stating bedrooms are "huge".

- The average occupancy is about 40% per annum and the average stay is about 3 nights.
- This house is built around the 1900's and has very thick granite walls making it difficult for any sounds to transmit.
- No neighbour has ever been disturbed. All neighbours support the rental, see supporting statements.
- Additionally, the surrounding neighbours have similar rented properties, and no complaints have ever been raised by anyone ever.

With respect to the adjoining residential properties to the southwest, (7 and 7A Westfield Terrace), given the STL accommodation is located at the lower ground floor level, it is understood that the wall between the STL accommodation and the adjacent dwelling is a structural stone wall given the age and character of the building and thus it is unlikely that short term let accommodation would adversely affect the amenity of those adjacent properties in terms of noise.

Whilst applying a condition to block up the door with the upper floor to totally separate the upper floor and lower ground floor uses to address the noise concerns has been considered, it is understood that a building warrant is required for the conversion of the lower ground floor into a separate unit, it does not have this and there is no certainty that it would necessarily be granted.

Conversion to separate properties

- This issue highlighted by the planner is one that has never existed. There have never been plans to separate the house in 42 years, nor will there ever be any intention to action such a suggestion. How can a hypothetical scenario by the planner be an excuse for not allowing STL. Please can this be justified?
- There has been no architectural drawing, planning applications or warrants in the past 42years to indicate this is an intention of the owner so therefore a non- issue. The above claim would be a massive undertaking, disproportionate to cost time and effort. The house is one house with one internal stair, one heating system, one plumbing and electrical supply, one stop cock etc.
- No modifications could be made without the involvement of Architects, Engineers, and planning permission of the very same department, as well as being very difficult and expensive to carry out in terms of Building Regulations.
- Additionally, it would not be possible to block a stairwell when it is of constant use to access the LGF for cleaning, maintenance, laundry and the owner's personal storage areas and part of their home.
- If the stairwell was blocked off this would create incredible inconvenience and not be a practical modification for living in the house. The owner would then have to go outside and round the side of the house to access the same property via the back door.

As such, based on the proposed layout, this proposal would adversely affect the amenity afforded to the upper storey residential dwelling as it would share its private garden with the transient persons

of the short term let accommodation and because it would be likely to result in adverse noise levels and disturbance.

Usage of outdoor space

- As with the points above there has been no noise disturbance in the past 42 years of the LGF being rented. The planner states “it would be likely.” However, it has never happened in the last 4 decades. It seems odd that it would suddenly commence now and seems to be based on the opinion of the planner rather than any substantial evidence.
- The guests have access to the spacious private, secure and secluded back garden, and I have access to the spacious front garden, and we do not need to share the same outdoor space.
- There have been no issues with disturbance or noise when these spaces are in use, which is very rare. If I required regular usage of the back garden, I would not rent out two bedrooms on a part-time basis (about 40% of the year).
- There have been no reports of antisocial behaviour or police reports linked to the property or street.
- Additionally, as mentioned above if I felt there was a disturbance or issue around privacy or security, I would not rent out the rooms via home share.

Considering the requirements of Policy 14 of NPF4 and D1 of the ALDP, which require proposals to be designed for lifelong wellbeing through ensuring spaces, routes and buildings feel safe, as well as development to be safe and pleasant. The proposal would therefore adversely affect the residential amenity of the surrounding area, in conflict with Policies 14 (Design, Quality and Place) of NPF4 and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the ALDP. The proposal would furthermore conflict with Policy 30 (Tourism) e) i) of NPF4 in that the proposal is for the reuse of an existing property for short term holiday letting, which would have an unacceptable impact on local amenity.

- There is no apparent evidence that transient guests / tourists in Aberdeen make an area unsafe or have a negative impact on the local amenities.
- There is no evidence of any reports of disturbance, antisocial behaviour or excess footfall from the STL.
- A long term let (52 weeks per year) would increase the footfall etc. and place greater pressure on local amenities such as schools, roads, GP’s, hospitals etc. in comparison to Short Term Lets.
- Please can the unacceptable impact be clarified as to what this would entail?

In determining this application, due consideration has been given to the current fact that the applicant is, and the intention is that they would continue to be, both the owner and resident of the upper storey dwelling as well as the owner and operator of the short term let unit, and thus in this arrangement the conflict between the residential and short term let uses would be within the control of the applicant. The aforementioned conflicts between the residential use and the short term let use

would arise if the owner and operator of the short term let was to no longer reside in the upper floor dwelling or if the short term let unit was to be sold off or managed independently of the resident of the upper floor dwelling.

Owner In-Situ

- As previously noted, this is the owner's home, I have no intention of moving out. This property has had rented rooms for the past 42 years and in the past 4 years this has been run as home share / STL.
- If I did not reside onsite, there would be no STL. I solely manage the STL within my own home so therefore, it is completely unclear who else would be living in the house? Please provide evidence of who these other people living in the house would be?
- The LGF is part of the house and therefore it could not be sold off as a separate unit unless architects and planning permission were granted to undertake large and disproportionate modifications to the property that simply could not be afforded. See point above, this has never been the intention and please justify why you think it would be?

Detailed consideration has thus been given as to whether it would be competent to apply a legal agreement or a planning condition for a personal permission or to require the owner of the short term let to be resident in the upper floor dwelling above. Scottish Government Planning Circular 4/1998 states that:

'Unless the permission otherwise provides, planning permission runs with the land and conditions imposed on the grant of planning permission will bind successors in title and it is seldom desirable to provide otherwise.'

It furthermore states that:

'There are occasions relating, for example, to strong compassionate or other personal grounds, where the planning authority is minded to grant permission for the use of a building or land for some purpose which would not normally be allowed. In such a case the permission may be made subject to a condition that it shall ensure only for the benefit of a named person- usually the applicant.'

Compassionate reasons

- The monies taken from this room share pay towards my mother's care [REDACTED]
[REDACTED] The loss of these funds will mean that I can no longer afford the additional support that she has been receiving for the past 3 years and maintain the support with 2 carers that she has developed a special relationship with.
- In addition, the monies help maintain the character and preserve the appearance and upkeep of a traditional granite Aberdeen property within the conservation area. Without this income stream then the house may fall into some level of disrepair.

Based on the advice from the Council's Legal Service, the Planning Service does not identify competent means of applying such a condition or legal agreement. The application of a legal

agreement or a condition to prevent the short term let accommodation from being sold or operated independently of the dwelling or to limit the permission to the applicant would not meet the tests for planning conditions set out in Scottish Government Planning Circular 4/1998: The Use of Planning Conditions or Scottish Government Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements on the grounds that it would be unreasonable. Planning Circular 3/2012 states with respect to the obligations imposing restrictions on the use of land or buildings: *'can be intrusive, resource-intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints.'* A condition or legal agreement could put a severe limitation on the freedom of the owner to dispose of his property as it could put a significant burden on the property as it would involve the site having to be owned and used as both a short term let unit and a dwelling at the same time by the applicant. It could place significant financial strain on the owner, make it difficult to sell the property and affect their right of freedom to relocate. A legal agreement would be unduly onerous given the permission would have been granted for a temporary period of five years (for separate reasons which are explained below). There are furthermore no known strong personal or compassionate grounds for this proposal which would justify such a condition or legal agreement that would justify a personal permission condition, which would also be required in order to meet the requirements of Scottish Government Planning Circular 4/1998.

As such, the proposed change of use of the lower ground floor to short term let accommodation would conflict with the Development Plan, specifically Policies 30(e)(i) and 14 of NPF4 and Policies H1, D1 and D2 of the ALDP. This is due to the conflict between the proposed change of use of the lower ground floor to short term let accommodation and the residential use above in that it the proposed short term let accommodation would adversely affect the residential amenity afforded to the dwelling. As noted above, there are no competent planning controls in terms of a legal agreement or a condition to overcome the conflicts with the Development Plan. There is therefore no option but to refuse planning permission.

It is requested in the Supporting Letter that a discontinuance condition could be applied to address this matter so that the issue of amenity can be considered in the future. Such a condition would not be sufficient as these issues and conflict with the Development Plan would arise during the time in which it has been granted, irrespective of if it were to cease operation at some stage in the future.

A condition or legal agreement could put a severe limitation on the freedom of the owner to dispose of his property as it could put a significant burden on the property as it would involve the site having to be owned and used as both a short term let unit and a dwelling at the same time by the applicant. It could place significant financial strain on the owner, make it difficult to sell the property and affect their right of freedom to relocate.

Perceived selling of the property

- If the property were to be sold, it would be as a single residence. There are no plans to do this and there never have been. I have no intention of selling or moving out of the property.
- This theoretical separation stated above would involve the very same Planning Department, building warrants, and many other consents etc. and applying for a license to rent is a completely different entity. It is one house with one heating system, one boiler, one electrical and gas supply, one stop cock and the difficulties described above would prevent separation.
- The Planer states "make it is difficult to sell the property. This could be seen as the reverse. The design of the house and the potential to access the usable space of the LGF from internal staircase, could make the house much easier to sell or attractive to families who require additional space for relatives / family members who may wish to live with them or

require a “granny flat” or would like the opportunity to rent rooms on home share / STL as an additional income stream.

- This again is the perception of the planner and does not seem to be a realistic rationale for refusing a STL on a 5 year basis.
- Ensuring an ongoing income stream can help to maintain and enhance the property and if in future there is a reason for it to be sold. It would be more attractive than a property that had fallen into some state of despair

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 change of use of the ground floor of this property to STL accommodation would offer a different type of visitor accommodation to hotels and guesthouses that could be more attractive for certain visitors, particularly families and business travelers / contract workers who could 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:*
- *offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- *offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- *offer more affordable accommodation, helping to attract tourists that may have a lower budget, and 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).’*
- This is all correct

The Short-term Lets Aberdeen Planning Guidance states that *‘there is currently limited evidence on the local economic benefits of STLs in Aberdeen and this makes it difficult to undertake a detailed assessment of STL proposals against NPF4 policy 30. More such evidence may emerge over time.’*

It does, however, acknowledge that given STLs are generally expected to be used by tourists and / or business travellers, it is 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. This is supported 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.

Given that the proposal would comprise a townhouse that would not be in the city centre, the

proposal would have tensions with Policy VC2 (Tourism and Culture) of the ALDP. In assessing the magnitude of this tension, it is acknowledged that the site is in close proximity to the businesses and amenities of the Rosemount Place Town Centre, it is less than 100m from a bus stop to the city centre and an approximate 600m walking distance to the city centre. The site thus provides sustainable and public transport links to the city centre and is in close proximity to a Town Centre. Acknowledging its sustainable location and accessibility to the city centre, the scale of the proposal, and that there are currently few properties in STL use in the area, on balance, the proposal would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree, in compliance with the aims of Policy VC2 (Tourism and Culture) of the ALDP. As such, the tension with this policy is not to a degree whereby it constitutes a reason to refuse the application.

Benefits to Local Economy

- This again is unclear what the “tension” is? Please explain.
- Aberdeen is currently trying to diversify away from its reliance on oil and gas. Therefore, tourism should be supported in all areas of the city. It has taken Aberdeen a long time to reap any tourism rewards, which it is now beginning to see. Places like Edinburgh and Inverness have benefited financially for decades, through the enticing of visitors. Tourism must be encouraged by offering good accommodation options. A lot of visitors do not like the “sterile block” hotel.
- The rooms in my house are amongst the top rated in AirBnB due to many factors. See attached reviews. I am classed as a “SuperHost”, the top AirBnB ranking.
- The property is very close to the city centre and within easy walking distance of Union Street, the Art Gallery, Union Terrace Gardens, The Theatre, Restaurants and Shops etc.
- It is also near the local parks of Westburn and Victoria and the vibrant area of Rosemount.
- This is an ideal location for tourists.
- In addition, the secure back garden is suitable for guests with dogs and small children. Not all accommodation in the city center is dog/child friendly, nor are there accessible parks to walk dogs in the city center.
- Not all visitors wish to stay in the city center, and many prefer a quieter location away from the noisy main city center streets. Many guests are here for business or to visit family and locum medical staff who are working at ARI.
- No visitor sets out with a strong desire to find accommodation in a block of flats that could be plagued by noise and distances from anti-social long-term residents. My bedrooms offer a very quiet and secluded option that benefits from a brilliant location.
- The property is walking distance to ARI and the property is used by those visiting relatives in the hospital or coming from places like Shetland for operations.
- It is outside the LEZ zone, with on street parking (at no detriment to the neighbours) and its proximity reduces the need for a vehicle to be taken into the city centre, reducing pollution.
- It is also accessible via public transport which many travelers utilize to visit the city.
- This small STL business also contributes in many ways to the local economy of Aberdeen.

The Short-term Let 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. This in Aberdeen is different from other areas of Scotland (such as in Edinburgh and the Highlands and Islands). It is therefore considered that the loss of residential accommodation resulting from the change of use of the lower ground floor to STL accommodation would not have had any significant impact on local housing need. As such, the STL use is generally compliant with the aims of Policy 30(e)(ii) of NPF4. However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process. 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 change of use of the lower ground floor to STL accommodation on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location in a residential area. The Short-term Lets Aberdeen Planning Guidance states that *‘As such, planning permissions to change the use of existing residential accommodation to STLs will generally only be granted for a time-limited period. This will normally be for a period of five years and this will be controlled through the imposition of a condition on the planning permission’*. It has been requested in the Supporting Letter that such a condition should instead be considered for a time-limited period of ten years. However, had the Planning Authority been minded to grant planning permission, consent would have been granted for a time-limited period of five years, the time period between the publication of HNDAs. Notwithstanding every planning application is assessed on its own merits, the time limit of five years has been applied to the vast majority of short-term lets that have been approved by Aberdeen City Council where they would remove residential accommodation. The Scottish Government Circular 1/2023 states that planning authorities may consider applying such conditions for a time period as they consider appropriate. As such, a condition to require the permitted use to be discontinued after five-year time period would have been applied:

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

‘As such, planning permissions to change the use of existing residential accommodation to STLs will generally only be granted for a time-limited period. This will normally be for a period of five years and this will be controlled through the imposition of a condition on the planning permission’

- The above guidance states that Short-term Lets Aberdeen can be granted for a time limited period, then it is unclear why the application has not been granted on that basis? Please can this be explained?
- This has been a successfully run small business supporting the local Aberdeen economy through visitors and taxes paid.
- My property provides vital accommodation for some and does not diminish the local housing supply.
- Refusal of the license will not increase the local housing supply, due to the integrated nature of the property and societal changes, it is not attractive to long-term renters, hence why I changed to STL.

Transport and Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policies 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 under 30m from the nearest bus stop on the southwest side of Craigie Loanings, which has three bus routes running north and west and thus the development would be within 400m of the nearest bus stop, in accordance with Policy T2 of the ALDP. The application property is c.600m from the city centre boundary and is close to the amenities and businesses of the Rosemount Place Town Centre. It is anticipated that many of the customers staying at the property on a short-term basis would be tourists or business travellers arriving using public transportation. Given on-street parking in the area is controlled by way of a Controlled Parking Zone, the proposal would have a negligible impact on parking provision in the area and the local transport network. Whilst the proposed change of use conflicts with the Development Plan for the reasons set out earlier in this evaluation, the proposal is compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Storage and Collection

Policy 12 (Zero Waste) of NPF4 and Policy R6 (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. It is understood that the business owner can pay a financial contribution towards the collection of the waste, via a business waste contract with the Council in lieu of not paying Council Tax. Therefore, waste and recyclables generated by the customers of the property can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract. Whilst the proposed change of use conflicts with the Development Plan for the reasons set out earlier in this evaluation, the waste storage and collection arrangements would be in accordance with Policies 12 of NPF4 and R6 of the ALDP.

Tackling the Climate and Nature Crises 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 development, comprising the change of use of the lower ground floor of this dwelling, is

sufficiently small-scale such that it would not have any material impact on the global climate and nature crises, 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, whilst the proposed change of use conflicts with the Development Plan for the reasons set out earlier in this evaluation, it is compliant with Policies 1 and 2 of NPF4, and although it would not include measures to enhance biodiversity, which would have minor tensions with Policy 3 of NPF4, the proposal is a change of use, small-scale and does not offer the opportunity for meaningful biodiversity enhancements. The tension with Policy 3 thus does not constitute a reason to refuse this planning application.

DECISION

Refuse

REASON FOR DECISION

The proposed change of use of the lower ground floor to short term let accommodation would adversely affect the residential amenity afforded to the upper floor residential dwelling on the basis that it would adversely affect the sense of security and privacy afforded to the occupants of that dwelling. The proposal therefore conflicts with Policies 30 (Tourism and Culture) and 14 (Design, Quality and Place) of National Planning Framework 4 and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

- **The above statement regarding security, privacy is completely without basis and there is NO evidence to support it. This has been discussed at length above and shown to be invalid.**

Whilst the applicant is currently the owner and resident of the upper storey dwelling and would intend to be the owner and operator of the proposed short term let accommodation at lower ground floor level, the conflicts between uses would arise if the owner were to no longer reside the upper storey dwelling or if the short term let accommodation were to be operated independently of the resident of that dwelling. A competent legal agreement or planning condition to restrict the occupation or ownership of the two uses to overcome this conflict with the Development Plan cannot be identified because such a condition would be unreasonable and could place a significant burden on both the property and subsequently the owner. There is thus no option but to refuse planning permission.

The proposed change of use of the lower ground floor to short term let accommodation would adversely affect the residential amenity afforded to the upper floor residential dwelling on the basis that it would adversely affect the sense of security and privacy afforded to the occupants of that dwelling.

... conflicts between uses would arise if the owner were to no longer reside the upper storey dwelling or if the short term let accommodation were to be operated independently of the resident of that dwelling.

Quality and Place) of National Planning Framework 4 and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

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... conflicts between uses would arise if the owner were to no longer reside the upper storey dwelling or if the short term let accommodation were to be operated independently of the resident of that dwelling.

Summary for Appeal

- The stated reasonings behind the refusal to grant the STL are factors of security, privacy, disturbance and the hypothetical scenario one house may be divided into two.
- I have explained how the rental of two bedrooms is fully compliant with all legislation, referred to ACC and Scottish Government guidance and highlighted statements that seem to be based on conjecture but an opinion of the planning officer.
- I have also explained that the claim “I will be disturbed” is one of pure imagination. It has never happened.
- Also listed are the points as to why the house cannot ever be subdivided.
- In the 4 decades of the two bedrooms being rented, there have never been any disturbances to me or my neighbours.
- The above statement regarding security and privacy is without basis and there is no evidence to support it. This has been discussed at length above and shown to be a perception of the planner but not of the owner.
- The lower part of the house has been rented out for decades and I have never been disturbed and no neighbours have ever been disturbed. It is my choice. This has been discussed at length above.
- Separation of the property has been discussed above and comes from a theoretical scenario of the planner. The suggestion is unrealistic but also impractical, completely unaffordable and has simply never been thought about. If you visit the property, you will see why.
- The planner states “could place a significant burden on both the property and subsequently the owner...” The lower part of the house has been rented out for decades and has never been a burden on owner or property. Why would it be a burden now after 42 years? Please clarify?
- The house could contain a large family that has more burden on the local amenities. Semi regular visitors to Aberdeen are not a burden to the local area or economy.
- If the house were to be sold, I am happy to have a condition that the Short-Term Let would only be valid in my name.
- Any new owners would have to apply to AirBnB in their own name using their own bank details for approval. AirBnB do not transfer contracts.
- Discontinuation conditions have been used in several other cases where planning permission

has been granted to Short Term Lets, why not this one? Please let me know.

Summary of main points

- The Licensing Department of Aberdeen Council have granted the License to rent the property as a Short Term Let. It complies with all the safety and security requirements as per legislation.
- I would like to invite the Appeals Committee to visit the property so you can get a true understanding of the layout and living arrangements.
- The Planning Officer is treating the property as two sperate entities, when it is one single house, and two bedrooms are let out. The impracticalities of subdivision are listed above.
- Discontinuation Notices are available and have been used in other cases. Licenses can be time capped.
- This is my home, and I have no intention of moving out or separating it. I only rent two bedrooms when in the property and on a part time basis on a home share basis.
- It does not take away housing from the local supply. Refusal would not add to the housing supply.
- The neighbours support my renting bedrooms (see supporting documents) and all properties 1-11 Westfield Terrace rent or have rented bedrooms. No-one has been disturbed ever.
- Renting rooms in a house that are remote from neighbours and the street cannot change the character and never has.
- It contributes towards my mother's 24/7 care.
- It contributes to an income stream to maintain and preserve the property.
- Many people require accommodation with no or limited steps/wheelchair access which I provide.

- The rejection from the Planning Department has been read and analysed by both an Architect and a Professional Planner (from Ryden LLP), independently of each other. And both parties have found no valid reason for rejection. Both parties can provide written evidence as to how they reached this conclusion.

Owner in residence and Security and Privacy

- There have never been any disturbances in 42 years and no plans to leave/sell.
- The room share is run in a similar system as a B&B as per the licensing guidance by the Scottish Government and if I was not in-situ there would be no home share or STL.
- If I felt adversely affected or insecure, I would not rent out rooms via the home share.
- It is unclear who else would be residing in the house if I was not there? The planner has not been explicit as to who these people would be.
- STL could not be operated independently, it is run by me (third party management charges

would make it loss making).

- If any changes to rental circumstances were required, then this would have to go through a formal process with Aberdeen City Council and AirBnB.
- The house is fortunate to allow both me and guests to have their own private and secure spaces and sperate entrances.
- Occasional visitors to Aberdeen are not a burden to the property/community/area and they also bring in much needed diversity and tourism and money to the local area.
- I provide much needed quality accommodation.

Noise and Disturbance

- There is no evidence of any antisocial behaviour, noise, insecurity of local residents / neighbours or excessive footfall in the past 4 decades of house ownership and 4 years of STL.

Benefits

- This has been a successfully run small business supporting the local Aberdeen economy with tourists / visitors and taxes paid from this enterprise.
- An ideal location for tourists / visitors and very close to the city center and walking distance of Union Street, the Art Gallery, Union Terrace gardens, Theatre, Restaurants, Parks and Shops,
- Not all tourists wish to stay in the city center, nor in a communal block of flats. Many prefer a quieter location away from the noisy main city center streets. But the property is ideally placed to walk to the center.
- The secure back garden is suitable for guests with dogs and small children as not all accommodation in the city center is dog/child friendly.
- It has on street parking thus negating the need where possible to drive into the city center. It is on accessible bus routes for accessing the city centre and beyond.
- It is near ARI and is used by those needing to access the hospital to locum work / visiting relatives / attending appointments.

202 reviews

Filters



Grunde
Oct 2024

5 ★

A very Nice quiet place with good service.

[Read full review](#)



Jaynie
Sep 2024

5 ★

Malcolm's flat was ideal for our needs. The location was perfect, quiet and peaceful yet a short walk from shops and restaurants. The flat was super clean and very well equipped. Bedrooms are huge...

[Read full review](#)



Jonathan
Sep 2024

5 ★

Peaceful location. Perfect for our requirements.

[Read full review](#)



Amanda
Sep 2024

5 ★

Lovely location. Perfect accommodation for us as having two dogs. The garden is enclosed and the flat is on the ground floor. Comfy furniture and beds and lovely and warm. A great place to stay.

[Read full review](#)



Gregor
Sep 2024

5 ★

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Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	24 Picardy Court, Rose Street, Aberdeen AB10 1UG
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people
Application Ref:	240985/DPP
Application Type:	Detailed Planning Permission
Application Date:	22 August 2024
Applicant:	Mrs Alison McLeod
Ward:	Mid Stocket/Rosemount
Community Council:	City Centre

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a one-bedroom ground-floor flat in a 3.5-storey block of flats within the Picardy Court residential development. The block contains three flats in total. The first-floor flat acquired planning permission in 2023 for a change of use to short term let accommodation under ref. 230650/DPP and the top floor flat is understood to be in mainstream residential use. These three flats share a communal hall and stairwell which can be accessed both to the front and the rear. The building is shared with a block of seven flats immediately to the west, which has its own set of access doors. The car park to the residential development sits to the south (front) of the building, which contains allocated parking spaces. Picardy Court is accessed through a path from Rose Street to the east. Communal amenity space serving the wider development bounds the building to the west, east and north. Communal on-street residential bins are located in the court. The application flat comprises a bedroom to the rear, lounge and kitchen to the front, and central bathroom.

Relevant Planning History

25 Picardy Court: 230650/DPP - Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people – Approved Conditionally 25 July 2023.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis).

The applicant advises that the maximum occupancy for the one-bedroom STL would be two persons at any one time, with a minimum stay duration of two nights. The property would be operated as an STL on a permanent basis. Customers of the property would have access to an allocated private parking space. It has been advised that guests to the property would be performers and associated people visiting for work to His Majesty's Theatre.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at – <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SIK3GSBZIRX00>

- STL Checklist

CONSULTATIONS

ACC - Roads Development Management Team – No objection to the proposal. The property is within a controlled parking zone and there is no scope for indiscriminate parking. The current and proposed uses have similar parking requirements and the site is highly accessible on foot, by bike and public transport.

ACC - Waste and Recycling – No objection. The proposed development is classified as commercial and will therefore receive a business waste collection. Customers of the STL could continue to utilise existing communal domestic general waste and recycling bins until the commercial status can be determined. Further information is included as an Advisory Note for the applicant to be aware of.

City Centre Community Council – No comments received.

REPRESENTATIONS

Three representations have been received in support of the application. The matters raised can be summarised as follows –

- The flat being on the ground floor will not cause any disturbance to the other two flats in the building.
- Private parking space would avoid causing any traffic congestion.
- There are many shops, cafes and restaurants in the vicinity which shall benefit from the custom.
- Guests would be given rules and conditions to be followed.

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

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

Aberdeen Local Development Plan (2023)

- 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

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:

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

Policy H1 (Residential Areas) of the ALDP states:

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

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

Impact on character and amenity of the area

The application site is located in an inner-city residential area c.20m from the defined city centre boundary. Despite this, it is recognised that the block is located within Picardy Court, which is a residential development away from the public road (Rose Street) and is likely to have relatively low levels of noise. There are many flats that front and are accessed from the residential car park. The block is a relatively small block of three flats. As such, the introduction of a second STL within the block would change its character from residential to mostly within STL use. However, due to the number of flats within the wider development, the area would remain predominantly residential in its character. As such, the use of this application property as an STL, with a potentially increased frequency of comings and goings (when the property is occupied), would not have any impact on the residential character of Picardy Court. No external alterations are proposed and therefore it is considered that the existing character of the area would be largely unaffected by the proposal.

Policy D2 (Amenity) of the ALDP seeks residential developments to be afforded adequate levels of privacy. The Aberdeen Planning Guidance (APG) for Short-term Lets notes that the Council will have particular regard to the presence of any existing STLs within the building and their total occupancy levels. This is because the presence of multiple STLs within a tenement or block of flats is likely to have a greater effect on the amenity of other residents through cumulative impacts. If it is considered that the introduction of a further STL into a building which contains an existing STL/HMO or STLs/HMOs would result in unacceptable cumulative impacts on the amenity of other residents, planning permission will be refused.

In terms of impacts on amenity, the property shares an entrance door and stairwell with two other residential properties; number 25 has acquired planning consent for a change of use to an STL and number 26 is understood to be in mainstream residential use. It is considered that the use of a residential flat as an STL in this block could result in increased harm to the amenity of the neighbouring properties within the building, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- The potential for noise from 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 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; and
- The potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas by transient persons unknown to permanent residents.

It is considered that the impacts on amenity from the cumulative impact of the existing STL within the building and the use of the application property as an STL would most likely arise from the increased probability of noise emissions affecting the occupants of the remaining residential flat from regular arrivals and departures by customers, via noise transmission through the floors and ceilings, and to the impact on safety and security from the use of the communal entrance and stairwell by transient non-residents, either actual or perceived.

The proposal would introduce a second STL into the block of three flats which would result in the percentage of the building being in STL use being c.66%, resulting in there being more unknown transient guests in the building than permanent residents. Therefore, the majority of flats in this part of the building would no longer be in mainstream residential use and the use of communal

hallways within the building would change from being predominantly residential in character and function, to be predominantly in use by unknown guests of the two short term lets. This shift and loss of residential character would therefore result in significant harm to the amenity of the remaining residential property in the building, impacting on their sense of security from regular comings and goings of multiple sets of unknown guests and their perception/sense of comfort from living in a residential block with other known permanent neighbours.

The existing and proposed short term let uses would have a maximum of two guests in each one-bedroom property. The remaining one-bedroom property would be expected to be occupied by one or two people in permanent residential use. A one-bedroom premises with a stated maximum occupancy of two people is likely to cater to tourists or business travellers, who are likely to be out sightseeing or working during the day. It is considered unlikely that the property would be used for the hosting of parties or other events of an anti-social nature that 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. However, the additional comings and goings of guests and cleaners to a second STL property would result in a cumulative increase in the level of activity on the lower floors, alongside a likely cumulative noise impact from the minor increase in noise from each STL property. This increased activity would present a sense of encroachment and level of harm to the enjoyment and peace of the remaining residential property on the top floor, due to the change in character of the block and high concentration of unknown guests and visitors to the neighbouring properties.

In terms of external amenity space, the space around the building is communal, publicly accessible and serves the whole of Picardy Court and thus, use by customers would not detract from the amenity of the residents.

While the use of the application property as a short term let, in isolation, may not present substantial harm from additional comings and goings from unknown guests, the cumulative impact of having two short term lets in a block of three flats would harmfully change the character of the internal communal area to be predominantly used by unknown guests. As such, one remaining permanent residential property is expected to experience a harmful amenity impact from the use of the other two flats in the block being in short term let use due to the cumulative amenity impact and loss of residential character, as acknowledged in the APG. This is contrary to Policy 30(e)(i) of NPF4 and it has not been demonstrated *“that the use doesn’t cause conflict with, or any nuisance to, the enjoyment of existing residential amenity”* therefore the proposals are also contrary to Policy H1, criterion 2, 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 a festival or golf tournament).’*

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

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

The application site is less than 20m from the City Centre boundary (with Picardy Court sitting on the boundary) and the proposal would thus provide tourist accommodation in an accessible location from the city centre. The site also sits approximately 700m from His Majesty’s Theatre, which relates to the intended use of the property for performers and workers associated with the theatre. It is therefore considered that the use of the property as an STL is compliant with the aims of Policy VC2 of the PALDP.

Housing

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

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

The APG states the following:

‘Nevertheless, it is recognised that housing need and demand can be subject to significant change over time, and Housing Need and Demand Assessments 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 an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, if the proposals were to be recommended for approval, it would be 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 an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of the property’s use as an STL at the time of any further planning application.

Transport & Accessibility

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

The application property is located just beyond the edge of the city centre boundary and is thus accessible to the amenities, attractions and public transport services of the city centre, including the train and bus stations. It is anticipated that many of the customers staying at the property on a short-term basis would be tourists arriving to the city by plane, train or bus rather than driving to the site. The application site would retain its single parking space and, given the maximum number of occupants and the accessibility to public transport services, it is considered that the proposal would have a negligible impact on parking provision in the area and the local transport network. The Roads Development Management Team have raised no concerns or objection with respect to the proposal. The proposal is therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials.

The Council's Waste & Recycling Service have advised that the proposed Short Term Let should use the existing public communal bins in the area. The Planning Service is aware that the business owner can pay a financial contribution towards the collection of the waste, via a business waste contract with the Council, in lieu of not paying Council Tax. Therefore, waste and recyclables generated by the customers of the property can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract. 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 National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

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

DECISION

Refuse

REASON FOR DECISION

The proposal would introduce a second short term let (STL) in a block of three flats. This would result in a harmful cumulative amenity impact for the remaining property in mainstream residential use from the loss of residential character of the internal communal area and a cumulative level of activity from comings and goings of multiple STLs as well as a high concentration of unknown guests within the block. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4 (NPF4).



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100682361-001

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

Type of Application

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

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

Description of Proposal

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

Rent out flat to people who are coming to work at HM Theatre for the duration of their performances

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Picardy Court"/>
First Name: *	<input type="text" value="Alison"/>	Building Number:	<input type="text" value="24"/>
Last Name: *	<input type="text" value="McLeod"/>	Address 1 (Street): *	<input type="text" value="24 Picardy Court"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Rose Street"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 1UG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="24 Picardy Court, Rose St. Aberdeen. AB10 1UG"/>
--

Northing	<input type="text"/>	Easting	<input type="text"/>
----------	----------------------	---------	----------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Discussed plans with Sam Smith

Title:

Mr

Other title:

Planner

First Name:

Sam

Last Name:

Smith

Correspondence Reference Number:

Date (dd/mm/yyyy):

15/08/2024

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

Site Area

Please state the site area:

44.20

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Owner of the flat lived in it

Access and Parking

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

Yes No

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

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

Yes No

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

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

1

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

1

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

Water Supply and Drainage Arrangements

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

≤ Yes **T** No

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

≤ Yes **T** No

Note:-

Please include details of SUDS arrangements on your plans

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

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

≤ Yes

≤ No, using a private water supply

T No connection required

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

Assessment of Flood Risk

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

≤ Yes **T** No ≤ Don't Know

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

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

≤ Yes **T** No ≤ Don't Know

Trees

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

≤ Yes **T** No

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

Waste Storage and Collection

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

≤ Yes **T** No

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

Its not applicable to application

Residential Units Including Conversion

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

≤ Yes **T** No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mrs Alison McLeod

On behalf of:

Date: 20/08/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Alison McLeod

Declaration Date: 20/08/2024

Payment Details

Online payment: ABSP00011142

Payment date: 20/08/2024 21:28:00

Created: 20/08/2024 21:28

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Short Term Let Accommodation

Planning Supporting Information Checklist



<p>What is the property address and floor level?</p>	
<p>What is the maximum number of occupants that would be allowed to stay in the property?</p> <p>How many bedrooms and beds would there be?</p>	
<p>What are the minimum and maximum durations of stays for customers?</p>	
<p>Would there be any car parking available for customers?</p> <p>If yes, how many spaces and what type? (i.e. dedicated off-street space, on-street etc)</p>	
<p>Would the property be in use as a Short Term Let (STL) on a permanent basis, or would it only be available to hire for certain periods of the year only?</p> <p>If not permanent, please provide further details</p>	
<p>Would the property be let out to one group, as one booking, or would individual rooms be available to let separately?</p>	
<p>What would the check-in and check-out times be and would customers be met or would they collect the keys from a key box or similar?</p>	
<p>Please advise what the arrangements would be, including frequency, for cleaning the property and how would waste be disposed of?</p>	
<p>Does the property share a communal access with any other properties and if so, how many?</p>	
<p>Does the property have access to any communal amenities, including garden ground or roof terraces?</p> <p>If so, provide details</p>	
<p>If known, how many other properties in the building are currently in use as Short Term Let accommodation?</p>	
<p>If the application seeks permission retrospectively, how long has the property been in use as Short Term Let accommodation?</p> <p>Please provide any existing online links to view & book the accommodation, if available.</p>	

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mrs Alison McLeod
24 Picardy Court
Rose Street
Aberdeen
AB10 1UG

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

Application Reference Number	240985/DPP
Address of Development	24 Picardy Court Rose Street Aberdeen AB10 1UG
Description of Development	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people
Date of Decision	15 October 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

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

The proposal would introduce a second short term let (STL) in a block of three flats. This would result in a harmful cumulative amenity impact for the remaining property in mainstream residential use from the loss of residential character of the internal communal area and a cumulative level of activity from comings and goings of multiple STLs as well as a high concentration of unknown guests within the block. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4 (NPF4).



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

PLANS AND DRAWINGS

01	Location Plan
02	Ground Floor Plan (Proposed) Other Drawing or Plan

Signed on behalf of the planning authority

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

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

SERVICE OF PURCHASE NOTICE

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

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Consultee Comments for Planning Application 240985/DPP

Application Summary

Application Number: 240985/DPP

Address: 24 Picardy Court Rose Street Aberdeen AB10 1UG

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people

Case Officer: Sam Smith

Consultee Details

Name: Scott Lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the change of use of flat to short term let accommodation with maximum occupancy of 2 people. The site is located in the city centre, in a controlled parking zone.

Both the current and proposed uses have similar parking requirements.

The site is highly accessible on foot, by bike, and by public transport.

For the above reasons, and due to there being no scope for indiscriminate parking, there are no Roads concerns with this proposal.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Sam Smith	To: ACC - Waste And Recycling
E-mail: SamuelSmith@aberdeencity.gov.uk	Date Sent: 28 August 2024
Tel.: 01224 069080	Respond by: 18 September 2024
Application Type: Detailed Planning Permission	
Application Address: 24 Picardy Court Rose Street Aberdeen AB10 1UG	
Proposal Description: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people	
Application Reference: 240985/DPP	
Consultation Reference: DC/ACC/SIX7WSBZ03R05	

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

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

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

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

Please select one of the following.

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

COMMENTS

Site Specific comments:

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

See below for general comments:

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

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

Responding Officer: J Talaga

Date: 30th of August 2024

Email: wasteplanning@aberdeencity.gov.uk

EMAIL FROM NORMAN COPLAND

Hi Alison just a short email with regards to your application being rejected by ACC

I Norman Copland the owner of property 26 Picardy Court would like to state that I have no concerns with your proposal for a short term lease. I know how much time/effort and resources that you have invested in the property and I hope that my input helps you become successful.

Yours sincerely Norman



I can send you the original email if you would like.
Alison McLeod

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From: [REDACTED]
To: [Pl](#)
Subject: support for an application
Date: 28 August 2024 16:12:46

Application Reference Number. 240985/DDP
change of use of flat to Short Term Let.
24Picardy Court Rose street Aberdeen AB10 1UG.

I am writing in support for the above Application.

I AM.
MR
Peter
Lindsay
14Fern Drive
Portlethen
Aberdeen
AB12 4TB
[REDACTED]

I have known Alison McLeod who has submitted this application for over 30 years and know she has looked into and considered the use of the property for short term let diligently.

The property being on the ground floor off the main thoroughfare with it's own parking space which is secure eliminating the need for on street parking.

Alison I know has high standards and the property would be well maintained in good condition.

Guests would be given rules and conditions and regulations to be followed ensuring that they will enjoy a pleasant experience while visiting the city.

Kind Regards
Peter Lindsay.

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Comments for Planning Application 240985/DPP

Application Summary

Application Number: 240985/DPP

Address: 24 Picardy Court Rose Street Aberdeen AB10 1UG

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people

Case Officer: Sam Smith

Customer Details

Name: Mrs Hazel Stewart

Address: 303 Queens Road Aberdeen AB15 8DS

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I've known Alison for 49 years and can confirm she has gone into this process of application with due diligence and responsibility.

The flat is of very high standard commanding a good rental return, hence attracting responsible people.

The flat being on the ground floor will not cause any disturbance to the other two flats in the building.

There is also a private parking space therefore not causing any traffic congestion.

There are many shops, cafes and restaurants in the vicinity which shall benefit from the custom.

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Comments for Planning Application 240985/DPP

Application Summary

Application Number: 240985/DPP

Address: 24 Picardy Court Rose Street Aberdeen AB10 1UG

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people

Case Officer: No case officer assigned

Customer Details

Name: Mrs Moira Murray

Address: 69 Beaconsfield Place Aberdeen AB154AD

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I know Alison Mcleod who is making this application and know that she has considered well the use of this property for short term let status.

The property is on ground floor, limiting the impact on other properties in the block. It has a dedicated, secured parking space which will eliminate guest on-street parking. Guests will have a code of conduct to take care of the flat, surroundings and impact on neighbouring properties.

The flat will be kept in first class condition, ensuring visitors to the city have an excellent experience, thereby creating a positive view of Aberdeen.

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Application 240985/DPP

Development Plan

National Planning Framework 4

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

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

Aberdeen Local Development Plan 2023

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

- H1 Residential Areas
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- T2 Sustainable Transport
- T3 Parking

Aberdeen Planning Guidance (APG)

- [Short-term Lets](#)

Other Material Considerations- National Policy and Guidance

Scottish Government publications:

- Circular 1/2023: Short Term Lets and Planning [Planning circular 1/2023: short-term lets and planning - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Short Term Lets: Business and regulatory impact assessment – November 2021 [G. Wider economic context - Short-term lets: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Scottish Government – Research into the impact of short-term lets on communities across Scotland – October 2019 [people-communities-places-research-impact-short-term-lets-communities-scotland.pdf \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100689445-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Picardy Court"/>
First Name: *	<input type="text" value="Alison"/>	Building Number:	<input type="text" value="24"/>
Last Name: *	<input type="text" value="McLeod"/>	Address 1 (Street): *	<input type="text" value="24 Picardy Court"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Rose Street"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 1UG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

24 PICARDY COURT

Address 2:

ROSE STREET

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 1UG

Please identify/describe the location of the site or sites

Northing

806004

Easting

393296

Description of Proposal

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

I am planning to let out the flat to theatre workers in Aberdeen for the duration of their stay at the theatre

Type of Application

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

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

What does your review relate to? *

Refusal Notice.

Grant of permission with Conditions imposed.

No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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

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

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

I would like to appeal the decision by the Council for refusing planning permission. There was only one concern raised which would have no impact on the property. The owner of the top floor flat has no issues with the flat being used for the theatre. He has written an email in favour of it (which I have enclosed). I request reconsideration. Thank you.

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

Yes No

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

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

Supporting statement Copy of email from owner of top floor flat

Application Details

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

100682361

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

22/08/2024

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

15/10/2024

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mrs Alison McLeod

Declaration Date: 22/10/2024

SUBJECT: Planning Appeal for Change of Use at 24 Picardy Court, Rose St., Aberdeen

To whom it may concern,

I am writing to appeal the decision of the planning for the above property and address the points on which this has been based.

Reason for refusal:

The proposal would introduce a second short term let (STL) in a block of three flats. This would result in a harmful cumulative amenity impact for the remaining property in mainstream residential use from the loss of residential character of the internal communal area and cumulative level of activity from comings and goings of multiple STLs as well as a high concentration of guests within the blocks. The proposed use is therefore contrary to policy H1(Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) par i of National Planning Framework 4 (NPF4)

The impact on the top floor residential flat would be minimal given that the proposed STL is on the ground floor with its internal entry very close to the external security door. This in itself would minimise disruption and in addition being on the ground floor the impact of noise would be considerably less than if it would be on a higher floor.

The nature of the proposed STL, with short term stays with a maximum of two occupants, targeted at Performing Arts personnel during events running within venues in the city, would minimise entry and exit and make it less likely to be used for parties which could disrupt others. My commitment as the property owner would have to have considerable measures in place to ensure the suitability of tenants and make clear the conditions of let and consideration of others within the development.

If the flat was occupied long term with two people it would produce the same if not more noise impact from these permanent residents. Those who would be leasing the property short term would be most likely be out for most of the day, compared to a family or students leasing long term who would spend a greater portion of their time within the property creating far more noise impact.

I, as the owner (who lives 10 minutes away) would be personally responsible for turning over the flat and ensuring its maintenance and pristine condition. This possibly would not be the case with longer term occupants.

Regarding security, I plan to meet the people who are renting the flat on arrival as often as possible and the lockbox combination would be changed regularly.


I have spoken to the owner of the top floor flat on several occasions and he has assured me there have been no noise problems with the other short term let and he has in fact issued an email of support which is attached. (He also has my mobile number and would be able to contact me anytime.)

I kindly request that you reconsider the planning application. If you need any more information please let me know. (The owner of the flat on the top floor is willing to speak to you)

Thank you for your time and look forward to a fair and thorough review of my appeal.

Alison McLeod

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling by Development Management Manager</p>
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Site Address:	Flat 5, 17 Northfield Place, Aberdeen AB25 1SA
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people
Application Ref:	241057/DPP
Application Type:	Detailed Planning Permission
Application Date:	10 September 2024
Applicant:	ACN Property Group Ltd
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount and Mile End

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a second-floor flatted property in a four-storey traditional terraced residential tenement in Rosemount. The building has a south-facing principal elevation, accessed from Northfield Place and to the north (rear) sits an enclosed shared garden. The building contains seven flats in total; two on each of the ground, first and top floors and one (flat E/5) on the second floor. The application flat (E/5) comprises a three bedroom property, with a kitchen/dining/living room area and bathroom and spans the entirety of the second floor. Flats C, F and G are known to be one-bedroom flats and it is assumed that the remaining three properties are also one-bedroom flats as each share a floor with another. The other six flats in the building are understood to be in mainstream residential use.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis).

The applicant advises that the maximum occupancy for the three-bedroom STL would be six persons at any one time, with a minimum stay duration of two nights. The property would be operated as an STL on a permanent basis. Customers of the property would have access to on-street controlled parking.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at – <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJLR0WBZJE900>

- STL Checklist.

CONSULTATIONS

ACC - Roads Development Management Team – No objection to the proposal. The property sits in controlled parking zone K and there is no scope for indiscriminate parking. The site is accessible by sustainable modes of transport, with the city centre a short walk away, and public transport stops nearby on Rosemount Viaduct and Albert Street. No business bins would be permitted to be stored on the public road, including the footway.

ACC - Waste and Recycling – No objection. The applicant is to make use of the existing (domestic) bins until the commercial status can be determined.

Rosemount and Mile End Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

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 Plan

National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)

- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

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

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:

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

Policy H1 (Residential Areas) of the ALDP states:

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

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

Impact on character and amenity of the area

The application property is situated within a residential area as zoned in the ALDP Proposals Map. Although Northfield Place is predominantly residential, there are ground floor retail units to the east of the application property and along Leaside Road which (in the Leaside Road Neighbourhood Centre) has a certain level of activity during the day. The property is also c. 230m from the city centre boundary and Rosemount Viaduct Neighbourhood Centre. As such, the immediate character of the area is predominantly quiet residential areas, although some noise and activity could potentially be expected from nearby business uses.

The application property comprises a three-bedroom flat which spans the entirety of the second floor and the proposed change of use would introduce a maximum of six unknown guests to the building at any one time. Given the size of the flat relative to the others within the building (one bedroom flats) the increased comings and goings from guests would somewhat change the quiet residential character of this block of flats, particularly given its location within the block, with two one-bedroom flats on the floor below and two on the floor above. A flat of this size could reasonably be expected to be occupied as a permanent residence by three individuals or a small family. The proposed use of the short term let by up to six adults would therefore result in a greater occupancy than how it would typically be used as a permanent residence and the comings and goings from both guests and cleaners is therefore expected to be intensified over and above what would be expected from mainstream residential use.

Although the proposed use would impact on the character of the residential block of flats, given the character of the area comprises a mix of uses and the extent of residential properties in the vicinity, the use of this application property as an STL, with an increased frequency of comings and goings (when the property is occupied), would not have a significant impact on the character of the wider area. No external alterations are proposed and therefore it is considered that the existing character of the area would be largely unaffected by the proposal.

In terms of impacts on amenity, the property shares an entrance door and stairwell with six other properties understood to be in mainstream residential use. In general, it is considered that the use of properties as STL's 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 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 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; and
- The potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas by transient persons unknown to permanent residents.

It is considered that the impacts on amenity within the building and the use of the application property as an STL would most likely arise from the increased probability of noise emissions affecting the occupants of the remaining residential flats from regular arrivals and departures by customers, via noise transmission through the floors and ceilings, and to the impact on safety and security from the use of the communal entrance and stairwell by transient non-residents, either actual or perceived.

The determining issues relating to the refusal for this application relate to the noise and amenity impact from the increased movement through the building and from the use of the flat itself by a group of up to six adults combined with the addition of cleaners regularly visiting the property, particularly given its size relative to the other properties within the building. The application property comprises a large flat in the context of the tenement building, spanning the entirety of the second floor and comprises three bedrooms and a c. 25sqm living/dining/kitchen area which would form the main social space for guests staying at the property. Six adults has been identified above as an intensification of use of the property over what would be expected in terms of occupancy for this property's use as a permanent residence. The presence of up to six occupants would also increase the likelihood of the property being used for 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, particularly given the size of the social space within the flat. As such, when the property is in use, noise transmission can be expected to increase, being heard from above and below due to the location of the property in the middle of the building. This noise transmission is considered to be worsened as the flats on the floors above and below comprise relatively small one-bedroom flats, each of which shares a floor with another. As such, the use of the application property as an STL would directly impact on the amenity of four flats immediately above and below it which, given their small size as one-bedroom properties, would otherwise likely not experience substantial levels of noise from one another.

The use of the shared stairwell and hallway by a group of up to six guests would introduce additional noise transmissions beyond that expected from the property's use as a permanent residence. This noise would be worsened by the regular intervals of cleaners required as well as frequent guest check-in and check-outs due to the two day minimum stay. The increase in the level of movement and noise within these areas would also potentially impact on the sense of security and safety for other residents given the size of the group in the context of a flatted building; introducing six unknown transient persons where each of the other flats in the building would be expected to accommodate only one or two permanent residents.

In relation to external amenity areas, guests could potentially access the communal garden area to the rear of the building comprising a modest grassed garden, with a washing line and outbuildings. As such, there is minimal space which would allow guests to sit out on for prolonged periods of time and it is generally not anticipated that customers staying at the property on a short-term basis would be likely to use the garden area for any significant periods of time, if at all, particularly if the property is used by tourists or business travellers, who would be more likely to be out sightseeing or working during the day. However, if the garden area was used by guests, it could result in six adults being out in the communal area which would likely harm the privacy and enjoyment of the garden for the neighbouring properties, present a dominating sense of encroachment on this space which would likely deter other residents in the building using the space and adding to the level of noise transmissions from within the site.

The granting of planning permission would result in one of seven flats being in STL use. However, due to the relative size of the application property compared to the neighbouring one-bedroom flats, the overall remaining occupancy of permanent residents could be expected to be between six and twelve. The presence of six guests would therefore result in a large portion of the building being occupied by unknown persons, all concentrated within one flat, making the amenity impact more noticeable to residents and presenting adverse harm to the character and use of the overall building.

In summary, it is considered that the presence of up to six adults as transient guests would unacceptably intensify the use of the property over what would be expected from its use as a permanent residence, and increase the noise transmissions and movement in the building, directly impacting a large portion of the flats within the block. This amenity harm would likely be amplified due to the relative size of the three-bedroom application property compared to the block of one-bedroom flats. The use of the property and communal areas by up to six STL guests would thus cause harm to the amenity of the neighbouring properties, contrary to Policy 30(e)(i) of NPF4 and it has not been demonstrated *"that the use doesn't cause conflict with, or any nuisance to, the enjoyment of existing residential amenity"* therefore the proposals are also contrary to Policy H1, criterion 2, 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.’

Policy VC2 seeks to steer this type of development towards the city centre or on a site allocated for that use and this site is not within the city centre boundary, and is thus slightly at odds with Policy VC2. However, the application site lies just 230m from the city centre boundary and the proposal would thus provide tourist accommodation in an accessible location from the city centre. There are also a number of shops and services on Northfield Place, Leadsid Road and Rosemount Viaduct for use by guests. It is therefore considered that the use of the property as an STL is compliant with the aims of Policy VC2 of the PALDP.

Housing

Although housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the amount of STL’s in Aberdeen, as is experienced elsewhere in Scotland (for example Edinburgh and the Highlands & Islands in particular), therefore

it is considered that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need – ensuring that the proposals are generally compliant with the aims of Policy 30(e)(ii) of NPF4.

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

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

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

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

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

The grant of planning permission for the use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, if the proposals were to be recommended for approval, it would be 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 an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of the property’s use as an STL at the time of any further planning application.

Transport & Accessibility

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

The application property is a short distance outside the city centre boundary and is therefore in close walking distance to it, as well as the city's main bus and train station. Customers would be able to utilise controlled on street parking, but nevertheless it is anticipated that the majority of customers staying at the property on a short-term basis would likely be tourists or business travellers, the majority of whom could reasonably be expected to arrive in the city by plane, 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.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy 5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise existing on-street communal domestic general waste and mixed recycling bins situated on the Northfield Place pavement, adjacent to the front entrance door.

The Council's Waste & Recycling Service have advised that the customers of the property could utilise the existing domestic bins, subject to the applicant paying a financial contribution towards the collection of the waste, via a business waste contract with the Council, in lieu of not paying Council Tax. Therefore, waste and recyclables generated by the customers of the property can be adequately stored and collected. 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 National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

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

DECISION

Refuse

REASON FOR DECISION

The comings and goings from the use of the property as a short-term let (STL) by up to six frequently changing transient adults, alongside those from the cleaners after each visit, would unacceptably intensify the use of the property over and above what would be expected from its

use as a permanent residence, to the detriment of the amenity of the other properties in the building with respect to noise transmission, movement within the building, the use of the garden and their sense of security. The size of the three-bedroom flat compared to the remaining one-bedroom flats within the block would result in the proposed STL use impacting on the quiet residential character of the block and worsening the amenity impacts on the neighbouring flats. The proposal therefore does not comply with Policy 30 (Tourism) of National Planning Framework 4 (NPF4) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100684926-001

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

Type of Application

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

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

Description of Proposal

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

Change of use from residential flat (sui generis) to short term let comprising 3 bedroom and a maximum of 6 occupants (sui generis)

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	SJA Platinum Property Group Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gillian	Building Name:	
Last Name: *	Inglis	Building Number:	7
Telephone Number: *	07545307355	Address 1 (Street): *	Albert Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB251XX
Email Address: *	gillian@sjaproperty.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	7
Last Name: *		Address 1 (Street): *	Whitefield Court
Company/Organisation	ACN Property Group Ltd	Address 2:	
Telephone Number: *		Town/City: *	Buckie
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB56 1EY
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

FLAT 5

Address 2:

17 NORTHFIELD PLACE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 1SA

Please identify/describe the location of the site or sites

Northing

806382

Easting

393265

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

81.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Residential flat

Access and Parking

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

Yes No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0</p> <p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 0</p> <p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes T No</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes T No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>≤ Yes</p> <p>≤ No, using a private water supply</p> <p>T No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * ≤ Yes T No ≤ Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * ≤ Yes T No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<p>Waste Storage and Collection</p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ≤ Yes T No</p>

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

N/A

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Gillian Inglis

On behalf of: ACN Property Group Ltd

Date: 10/09/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Miss Gillian Inglis

Declaration Date: 10/09/2024

Payment Details

Online payment: ABSP00011198
Payment date: 10/09/2024 15:50:00

Created: 10/09/2024 15:50

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Short Term Let Accommodation

Planning Application Supporting Information Checklist



Property Address and Floor Level – ,17 E Northfield Place Aberdeen, second floor

<p>What is the maximum number of occupants that would be allowed to stay in the property?</p> <p>How many bedrooms and beds would there be?</p>	<p>3 occupants with 3 bedrooms and 3 beds</p>
<p>What is the minimum duration of stays for customers?</p> <p>Please also state the maximum duration of stay, if applicable.</p>	<p>Minimum stay 1 night Maximum Stay 1 month</p>
<p>Would there be any car parking available for customers?</p> <p>If yes, how many spaces and what type? (i.e. dedicated off-street space, on-street etc)</p>	<p>On street parking</p>
<p>Would the property be in use as a Short Term Let (STL) on a permanent basis, or would it only be available to hire for certain periods of the year only?</p> <p>If not permanent, please provide further details</p>	<p>Permanent basis</p>
<p>What would the check-in and check-out times be and would customers be met or would they collect the keys from a key box or similar?</p>	<p>Check in 1500 Check out 1000 Keys obtained from a key box</p>
<p>Please advise what the arrangements would be, including frequency, for cleaning the property and how would waste be disposed of?</p>	<p>Cleaned after every check out, or twice monthly for longer stays</p>
<p>Does the property share a communal access with any other properties and if so, how many?</p>	<p>Shares communal access with 6 other units</p>
<p>Does the property have access to any communal amenities, including garden ground or roof terraces?</p> <p>If so, provide details</p>	<p>Has access to a communal garden</p>
<p>If known, how many other properties in the building are currently in use as Short Term Let accommodation?</p>	<p>No other short term accommodation units in the building to our knowledge</p>
<p>If the application seeks permission retrospectively, how long has the property been in use as Short Term Let accommodation?</p> <p>Please provide any existing online links to view & book the accommodation, if available:</p>	<p>N/A</p>

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Gillian Inglis
SJA Platinum Property Group Ltd
7 Albert Street
Aberdeen
AB251XX

on behalf of **ACN Property Group Ltd**

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

Application Reference Number	241057/DPP
Address of Development	Flat 5 17 Northfield Place Aberdeen AB25 1SA
Description of Development	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people
Date of Decision	14 November 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

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

The comings and goings from the use of the property as a short-term let (STL) by up to six frequently changing transient adults, alongside those from the cleaners after each visit, would unacceptably intensify the use of the property over and above what would be expected from its use as a permanent residence, to the detriment of the amenity of the other properties in the building with respect to noise transmission, movement within the building, the use of the garden and their sense of security. The size of the three-bedroom flat compared to the remaining one-bedroom flats within the block would result in the proposed STL use impacting on the quiet residential character of the block and worsening the amenity impacts on the neighbouring flats. The proposal therefore does not comply with Policy 30 (Tourism) of National Planning Framework 4 (NPF4) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023.



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

PLANS AND DRAWINGS

Location Plan
Other Floor Plan (Proposed)

Signed on behalf of the planning authority

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

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

SERVICE OF PURCHASE NOTICE

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

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Consultee Comments for Planning Application 241057/DPP

Application Summary

Application Number: 241057/DPP

Address: Flat 5 17 Northfield Place Aberdeen AB25 1SA

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people|cr|

Case Officer: Sam Smith

Consultee Details

Name: Mr Jack Penman

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this proposal is for a change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people at Flat 5, 17 Northfield Place, Aberdeen, AB25 1SA.

The site is in the inner-city boundary and is in CPZ K. Being in a CPZ there are existing parking controls which would prevent any obstructive / inappropriate parking. As a residential premises the property would be entitled to apply for two permits. Should this proposal be classed as a business it would be required to meet the standards to apply for business permits.

The site is accessible by sustainable modes with the city centre being a short walk away and there are public transport stops nearby on Rosemount Viaduct and Albert Street.

No business bins would be permitted to be stored on the public road (includes footway).

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

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Sam Smith	To: ACC - Waste And Recycling
E-mail: SamuelSmith@aberdeencity.gov.uk	Date Sent: 13 September 2024
Tel.: 01224 069080	Respond by: 4 October 2024
Application Type: Detailed Planning Permission	
Application Address: Flat 5 17 Northfield Place Aberdeen AB25 1SA	
Proposal Description: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people	
Application Reference: 241057/DPP	
Consultation Reference: DC/ACC/SJR47PBZ03R02	

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

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

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

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

Please select one of the following.

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

COMMENTS

Site Specific comments:

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

See below for general comments:

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

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

Responding Officer: J Talaga

Date: 13th of September 2024

Email: wasteplanning@aberdeencity.gov.uk

Application 241057/DPP

Development Plan

National Planning Framework 4

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

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

Aberdeen Local Development Plan 2023

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

- H1 Residential Areas
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- T2 Sustainable Transport
- T3 Parking

Aberdeen Planning Guidance (APG)

- [Short-term Lets](#)

Other Material Considerations- National Policy and Guidance

Scottish Government publications:

- Circular 1/2023: Short Term Lets and Planning [Planning circular 1/2023: short-term lets and planning - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Short Term Lets: Business and regulatory impact assessment – November 2021 [G. Wider economic context - Short-term lets: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)
- Scottish Government – Research into the impact of short-term lets on communities across Scotland – October 2019 [people-communities-places-research-impact-short-term-lets-communities-scotland.pdf \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100692142-001

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

Applicant or Agent Details

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

≤ Applicant **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="SJA Platinum Property Group LTD"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Mitchell"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Clark"/>	Building Number:	<input type="text" value="7"/>
Telephone Number: *	<input type="text" value="07787117918"/>	Address 1 (Street): *	<input type="text" value="Albert Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="ABERDEEN"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB25 1XX"/>
Email Address: *	<input type="text" value="mitchell@sjaproperty.com"/>		

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

≤ Individual **T** Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Whitefield Court"/>
Company/Organisation	<input type="text" value="ACN Property Group Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Buckie, Moray"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB561EY"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="FLAT 5"/>
Address 2:	<input type="text" value="17 NORTHFIELD PLACE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 1SA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806382"/>	Easting	<input type="text" value="393265"/>
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Description of Proposal

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

Change of use from residential flat (sui generis) to short term let comprising 3 bedroom and a maximum of 3 occupants (sui generis)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

I seek a review of the decision to refuse STL permission for Flat 5, 17 Northfield Place, based on reducing maximum occupancy to 3 persons to address concerns about noise and disruption. Compared to likely residential use by a family or students, this STL would have less impact on neighbors. Mitigation measures ensure harmony with the building's character. Please refer to my full statement of appeal attached for further details.

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

Yes No

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

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

Updated Pre planning checklist Statement of Appeal: Application Reference Number 241057/DPP

Application Details

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

241057/DPP

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

10/09/2024

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

14/11/2024

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Mitchell Clark

Declaration Date: 19/11/2024

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Statement of Appeal: Application Reference Number 241057/DPP

Introduction

I am submitting this appeal in response to Aberdeen City Council's decision to refuse planning permission for the change of use of Flat 5, 17 Northfield Place, Aberdeen, to short-term let (STL) accommodation. I am seeking a review of this decision, focusing on the reduced proposed occupancy and the likely impacts of alternative residential uses.

2. Grounds for Appeal

A. Reduced Maximum Occupancy

The initial application proposed a maximum occupancy of six persons. To address the council's concerns, I have reduced the maximum occupancy to three, significantly limiting the potential for noise and disruption.

This change ensures that the property will generate less activity than initially anticipated and, in my view, less impact on residents compared to long-term residential use as it is likely that long-term residential use could involve a higher number of occupants and more regular visitors, given the property's central location and appeal to families or groups of students with local connections.

B. Comparative Impacts of Alternative Uses

If the property is not approved for STL, it is likely to be rented out for residential purposes, which could potentially have a greater impact on neighbouring residents:

- **Family Occupancy:** A family with children would likely generate more noise, frequent movement, and greater use of shared spaces, such as gardens and hallways, than a small group of transient guests.
- **Student Occupancy:** A group of students might lead to frequent visitors or social gatherings, causing more disruption than a tightly managed short-term let.

C. Amenity and Noise Mitigation

Concerns about noise, movement, and impacts on neighbouring residents' amenity can be effectively addressed through strict guest policies, including quiet hours, limits on visitors, and professional management oversight of the property.

D. Alignment with Policy Objectives

The reduced STL occupancy aligns with Policy 30 (Tourism) of National Planning Framework 4, which supports diverse accommodation options to encourage tourism while respecting local amenity. With proper controls in place, this STL can coexist harmoniously within the residential character of the building.

E. Economic and Urban Context Benefits

This proposal would provide high-quality, regulated accommodation in a central urban location, supporting local businesses and contributing to Aberdeen's tourism economy. Notably, this property had been empty for an extended period before being purchased and refurbished to a high standard, meaning it could be used as an STL without reducing the amount of rental units available.

Conclusion

I respectfully ask the council to reconsider its decision, taking into account the reduced occupancy and the additional measures I am proposing to minimise any potential disruption. These changes make the short-term let a low-impact and manageable use of the property, particularly when compared to the likely impacts of long-term residential use by a family or group of students, which could place greater strain on neighbouring residents.

**Best regards,
Mitchell Clark**