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To: Councillor McRae, Chairperson; and Councillors Blake, Clark, Greig and Thomson.

Town House,
ABERDEEN 17 February 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, 24 FEBRUARY 2025 at 11.00 am.**

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

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

B U S I N E S S

1.1 Procedure Notice (Pages 3 - 8)

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

Link to the [Local Development Plan](#)

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

PLANNING ADVISER - LUCY GREENE

REVIEW ONE

2.1 Detailed Planning Permission for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people - 42 Elmfield Avenue Aberdeen

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 241060.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 9 - 34)

2.3 Planning Policies Referred to in Documents Submitted (Pages 35 - 36)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 37 - 52)

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

Website Address: aberdeencity.gov.uk

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

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

Planning Development Management Committee and Local Review Body Site Visit Protocol

1. Introduction

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

2. Interested Parties and Neighbouring Properties

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

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

3. Conduct of Site Visits

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

4. Procedure on Site

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

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

5 What happens after a Site Visit

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

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Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	42 Elmfield Avenue, Aberdeen, AB24 3PB
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
Application Ref:	241060/DPP
Application Type:	Detailed Planning Permission
Application Date:	16 September 2024
Applicant:	Mr & Mrs A Dada
Ward:	George Street/Harbour
Community Council:	Froghall, Powis and Sunnybank

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a ground-floor flat in a two-storey semi-detached tenement building, sharing a boundary with two flats to the north. The site is shared with one other flat on the first floor, which includes a rear garden to the east. Each property has its own access; the application property is accessed via the front door from Elmfield Avenue and the neighbouring property is accessed via a staircase to the side of the building. The rear garden is accessed via a rear door from the application property as well as via a shared path to the side of the building. The property comprises a two-bedroom flat with a separate lounge, kitchen and bathroom. The site is located within House of Multiple Occupation (HMO) data zone 02 (Froghall, Powis and Sunnybank) - an area of high concentration, with 12.6% of the total number of residential properties in the data zone licensed for HMO 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 two-bedroom STL would be four 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. There is unrestricted parking on Elmfield Avenue and it is also close to areas of controlled on-street parking (permit holders only).

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=SJMZGYBZJF000>

- STL Checklist.

CONSULTATIONS

ACC - Roads Development Management Team – No objection to the proposal. The property is outwith a controlled parking zone and there is available parking. The current and proposed uses have similar parking requirements and the site is accessible via 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.

Froghall, Powis and Sunnybank Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

- 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 H8 (Houses in Multiple Occupation and Overprovision)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Aberdeen Planning Guidance

- Short Term Lets
- Houses in Multiple Occupation and Overprovision

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 main determining factor for this application is the impact the proposed short term let would have on the residential character of the surrounding area due to the existing high concentration of HMO properties, further harming community cohesion as a result of the introduction of transient visitors to the area. The application property is situated within a residential area as zoned in the

ALDP Proposals Map. It is considered that an over-concentration of accommodation types that are not mainstream housing, such as HMOs and STLs, can lead to detrimental changes to the residential character of an area and can have negative impacts on community cohesion as a result of transient tenants/occupiers within such areas. The site is located within the Small Data Zone 2 of Froghall, Powis and Sunnybank: an area of high concentration with 12.6% of the total number of residential properties in HMO use. The Houses in Multiple Occupation and Overprovision APG outlines that the Council considers that the number of licensed HMOs should generally not exceed 12% of the total residential properties in any single Small Data Zone. This ratio is considered to represent a suitable balance between protecting the established residential character and amenity from adverse impacts resulting from high numbers of HMOs whilst also acknowledging the significant role of HMOs in meeting the housing needs of students and other sectors of the population and also outlines where further HMO provision is therefore unlikely to be accepted.

Whilst the proposal is not for an HMO, the use of a property as a short term let (STL) would have a similar impact on residential character and amenity, and likely to a greater extent, as an HMO would be occupied in most cases by the same residents for a number of months or years, whereas an STL would accommodate regularly changing guests, further diluting the number of permanent residential properties which contribute to the character of the area, and further contributing to the deficiency of community cohesion. The proposed use is therefore considered to harm the residential character of the area by contributing to the loss of properties in residential use within an area which has been identified to have an existing unacceptable ratio of non-residential to residential accommodation, directly conflicting with Policy H1 of the ALDP.

In terms of impacts on amenity, the two properties have their own access into the building. The rear garden is shared and accessed via a shared side access lane as well as from a rear door from the application property. It is considered that the use of flatted properties as STLs could potentially result in increased harm to the amenity of the neighbouring properties within tenement buildings, 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 the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

The application property shares a rear garden with the one other flat in the building which is enclosed within the rear curtilage of the site and private in character. The rear garden measures 25m in length, including a shared drying green which takes up the rear 7m of the garden to the east and the remainder is split in ownership, lengthways through the garden. There is also an area of patio to the rear, accessed via the rear door to the application property, on which sits a table. It is therefore expected that guests may likely use the rear garden as it is directly accessed from the property, with areas available to sit out in. The nature of sharing a single space such as this with only one other property results in a greater sense of encroachment when in use by unknown guests for the permanent residents on the first floor. A group of four guests in this shared area would therefore impose a harmful amenity impact on the neighbouring property and potentially deter them from using this amenity area. Due to the layout of the garden and its shared areas, if measures were put in place to subdivide the garden by erecting a fence and providing a private area of garden ground for guests, they would still need to pass through the shared areas of garden ground and the paths. As such, there are not considered to be any amendments which would be able to mitigate this amenity impact to the shared rear garden.

There is an additional overlooking concern for the neighbouring residents as the lounge window looks into the centre of the shared garden which could introduce overlooking and harm to the privacy afforded to the permanent residents when using the garden. However, this overlooking would be similar to the existing situation and were it to remain as a residential property, residents would be overlooking the neighbours within the garden. As such, this overlooking impact would not be substantially worsened from the use of the property by transient guests.

With respect to the use of the flat by guests, each flat has its own access and as such, there are no internal communal areas which would be impacted by the presence of guests to the application property. The property sits at ground floor level and as such, noise transmissions could be heard from the neighbouring property directly above. Due to the small-scale nature of the flat, it is highly unlikely that it would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Such activities could nevertheless take place in the property if operated as mainstream residential accommodation. The impact on the upper floor flat would therefore likely be minimal in terms of noise coming from inside the property.

In summary, the use of the property as a short term let would contribute to the further loss of residential character in an area where there is an existing level of harm to its residential character resulting from an overprovision of HMO properties and the proposed use would thus harm the character of the surrounding area and community cohesion. The presence of four unknown guests within the shared rear garden and property would also adversely impact the privacy and enjoyment of this amenity area for the neighbouring property. This is contrary to Policy 30(e)(i) of NPF4 and it has not been demonstrated that the proposed use would be “*complementary to residential use*” or “*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 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.'

Given the proposal would comprise a tourism facility that would not be in the city centre, the proposal would have some tension 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 Kittybrewster Retail Park and approximately 1km from the city centre boundary which would involve a 15 minute walk, in part through George Street, which itself contains a neighbourhood centre with numerous amenities and shops. There is also a bus route that goes along Bedford Road to access the city centre as well as an additional bus route 400m to the west at the end of Bedford Road to travel to the airport. The application site also sits c. 400m from the edge of the Old Aberdeen Higher Education area and as such, is walkable to the Aberdeen University campus and associated services. The property could therefore be used by visitors to the university. The site thus benefits from sustainable and active transport links to the city centre and is in close proximity to neighbourhood centres and a commercial centre comprising local shops and businesses. In this context, an STL use in this location would be suitable on a limited scale, in relation to the aims of Policy VC2. Acknowledging its sustainable location and accessibility from the city centre, and the small scale of the proposal, on balance the proposed STL use would not conflict with the aims of Policy VC2 (Tourism and Culture) of the ALDP in that it would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree. However, under section (e)(ii) of NPF4 Policy 30 (Tourism), the loss of residential accommodation to the detriment of the area's residential character would not be outweighed by the minimal local economic benefits.

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, were the proposals to be approved, 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 situated in a residential area which is 1km from the periphery of the city centre boundary and accessible to the city centre via a bus route on Bedford Road. The application site is within close walking distance to Aberdeen University for visitors to the university as well as local business and services at the Kittybrewster Retail Park and George Street. The property is therefore accessible via active and sustainable modes of transports to local tourist hotspots and the city centre. On-street parking is available for use by customers of the STL and it is considered that the STL would likely generate a similar level of car parking demand as if the property were to remain / revert to mainstream residential use. 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. The property would be a business and would therefore not pay Council Tax, and as such commercial waste would be required for the property.

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

1. The use of the property as a short term let (STL) would contribute to the loss of residential character in an area where there is an existing level of harm from an overprovision of House of Multiple Occupation (HMO) properties. The STL use would exacerbate the adverse impacts on the residential character of the surrounding area, and the deficiency in community cohesion as a result of the loss of residential accommodation for use by frequently changing transient visitors/occupiers. The proposal would therefore be in conflict with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP)

and Policy 30 (Tourism), paragraph (e) part i) and ii) of National Planning Framework 4 (NPF4) which seek to avoid adverse impacts to the character and residential amenity of the area.

2. The presence of four unknown guests within the shared rear garden and property would also adversely impact the privacy and enjoyment of the otherwise private external amenity area for the neighbouring residents in the first floor flat, due to the nature of it, only being shared with one other property. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the ALDP, impacting the amenity and enjoyment of the existing residential amenity.

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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 100684734-001

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 dwelling to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people

Is this a temporary permission? * ☐ Yes ☒ No

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

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	Watson Property and Construction Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Susan	Building Name:	Windyedge Croft
Last Name: *	Watson	Building Number:	
Telephone Number: *	07882359798	Address 1 (Street): *	Aberchirder
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Huntly
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB54 7QP
Email Address: *	susan@watsonpropertyconstruction.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	A	Building Number:	50
Last Name: *	Dada	Address 1 (Street): *	Bennoch Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kirkcaldy
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY2 5RB
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

42 ELMFIELD AVENUE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 3PB

Please identify/describe the location of the site or sites

Northing

807668

Easting

393561

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

60.00

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

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?</p>	<div style="border: 1px solid black; width: 100px; height: 25px; margin: 0 auto;">0</div>
<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)? *</p>	<div style="border: 1px solid black; width: 100px; height: 25px; margin: 0 auto;">0</div>
<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>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<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>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<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>	
<h2 style="margin: 0;">Trees</h2>	
<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>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<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)

Existing bin storage to be retained

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 T 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 T 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 T 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? *

T Yes ≤ No

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

≤ Yes T 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: Susan Watson

On behalf of: Mr & Mrs A Dada

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 principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

☐ Yes ☐ No ☐ Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

Declaration Date: 10/09/2024

Payment Details

Pay Direct

Created: 10/09/2024 20:38

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Susan Watson
Watson Property and Construction Ltd
Windyedge Croft
Aberchirder
Huntly
Aberdeenshire
AB54 7QP

on behalf of **Mr & Mrs A Dada**

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	241060/DPP
Address of Development	42 Elmfield Avenue Aberdeen AB24 3PB
Description of Development	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
Date of Decision	21 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 –

1. The use of the property as a short term let (STL) would contribute to the loss of residential character in an area where there is an existing level of harm from an overprovision of House of Multiple Occupation (HMO) properties. The STL use would exacerbate the adverse impacts on the residential character of the surrounding area, and the deficiency in community cohesion as a result of the loss of residential accommodation for use by frequently changing transient visitors/occupiers. The proposal would therefore be in conflict with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) and ii) of National Planning Framework 4 (NPF4) which seek to avoid adverse impacts to the character and residential amenity of the area.

2. The presence of four unknown guests within the shared rear garden and property would also adversely impact the privacy and enjoyment of the otherwise private external amenity area for the neighbouring residents in the first floor flat, due to the nature of it, only being shared with one other property. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the ALDP, impacting the amenity and enjoyment of the existing residential amenity.



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

42EA PL01

Location Plan
Other Floor Plan (Proposed)

Signed on behalf of the planning authority

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 241060/DPP

Application Summary

Application Number: 241060/DPP

Address: 42 Elmfield Avenue Aberdeen AB24 3PB

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

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 4 people at 42 Elmfield Avenue, Aberdeen, AB24 3PB.

The site is in the inner-city boundary and is not in a CPZ although it is bounded by zones RR and zone W.

I note that there is 0 parking associated with this site and 0 is proposed. Elmfield Avenue has areas of unrestricted kerbside parking which is available on a first come first served basis.

There are well served public transport stops on Bedford Road and Powis Terrace/Powis Place.

No business bins would be permitted to be stored on the public road (includes footway) outwith collection time and should be removed immediately after collection.

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: 17 September 2024
Tel.: 01224 069080	Respond by: 8 October 2024
Application Type: Detailed Planning Permission	
Application Address: 42 Elmfield Avenue Aberdeen AB24 3PB	
Proposal Description: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people	
Application Reference: 241060/DPP	
Consultation Reference: DC/ACC/SJYEZDBZ03R05	

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

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

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

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

Please select one of the following.

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

COMMENTS

Site Specific comments:

- To make sure that the service will not interfere with residential community. Cleaners/guests will be using only specified bin and present on a collection day.
- To make use of current bins until commercial status can be determined.

See below for general comments:

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

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

Responding Officer: J Talaga

Date: 17th of September 2024

Email: wasteplanning@aberdeencity.gov.uk

241060: 42 Elmfield Avenue – Change of Use to Short Term Let (4 persons)

National Planning Framework 4 (NPF4)

Policies:

- 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)

- H1: Residential Areas
- H8: Houses in Multiple Occupation and Overprovision
- R5: Waste Management Requirements for New Developments
- T2: Sustainable Transport
- T3: Parking
- VC2: Tourism and Culture

Aberdeen Planning Guidance

- Short Term Lets
- Houses in Multiple Occupation and Overprovision

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](#)

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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 100684734-003

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Watson Property and Construction Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Susan	Building Name:	Windyedge Croft
Last Name: *	Watson	Building Number:	
Telephone Number: *	07882359798	Address 1 (Street): *	Aberchirder
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Huntly
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB54 7QP
Email Address: *	susan@watsonpropertyconstruction.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="A"/>	Building Number:	<input type="text" value="50"/>
Last Name: *	<input type="text" value="Dada"/>	Address 1 (Street): *	<input type="text" value="Bennoch Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kirkcaldy"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY2 5RB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="susan@watsonpropertyconstruction.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="42 ELMFIELD AVENUE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB24 3PB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="807668"/>	Easting	<input type="text" value="393561"/>
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Description of Proposal

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

Change of Use of flat to short term let accommodation (sui generis) with maximum occupancy of 4 people

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see separate document in the supporting documents sections

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)

Statement of Appeal, Floor Plan, Location Plan, Decision Notice, Copy of original application and certificate of ownership, Report of Handling, Short Term Let checklist

Application Details

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

241060/DPP

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

16/09/2024

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

21/11/2024

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: Mrs Susan Watson

Declaration Date: 28/12/2024

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Ref: 2223
12th Dec 2024

This Statement of Appeal is in respect of application 241060/DPP Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people at 42 Elmfield Avenue, Aberdeen, AB24 4PH.

REASON FOR DECISION

The reasons on which the Council have based this decision are as follows:

1. *“The use of the property as a short term let (STL) would contribute to the loss of residential character in an area where there is an existing level of harm from an overprovision of House of Multiple Occupation (HMO) properties. The STL use would exacerbate the adverse impacts on the residential character of the surrounding area, and the deficiency in community cohesion as a result of the loss of residential accommodation for use by frequently changing transient visitors/occupiers. The proposal would therefore be in conflict with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) and ii) of National Planning Framework 4 (NPF4) which seek to avoid adverse impacts to the character and residential amenity of the area.”*
2. *“The presence of four unknown guests within the shared rear garden and property would also adversely impact the privacy and enjoyment of the otherwise private external amenity area for the neighbouring residents in the first floor flat, due to the nature of it, only being shared with one other property. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the ALDP, impacting the amenity and enjoyment of the existing residential amenity.”*

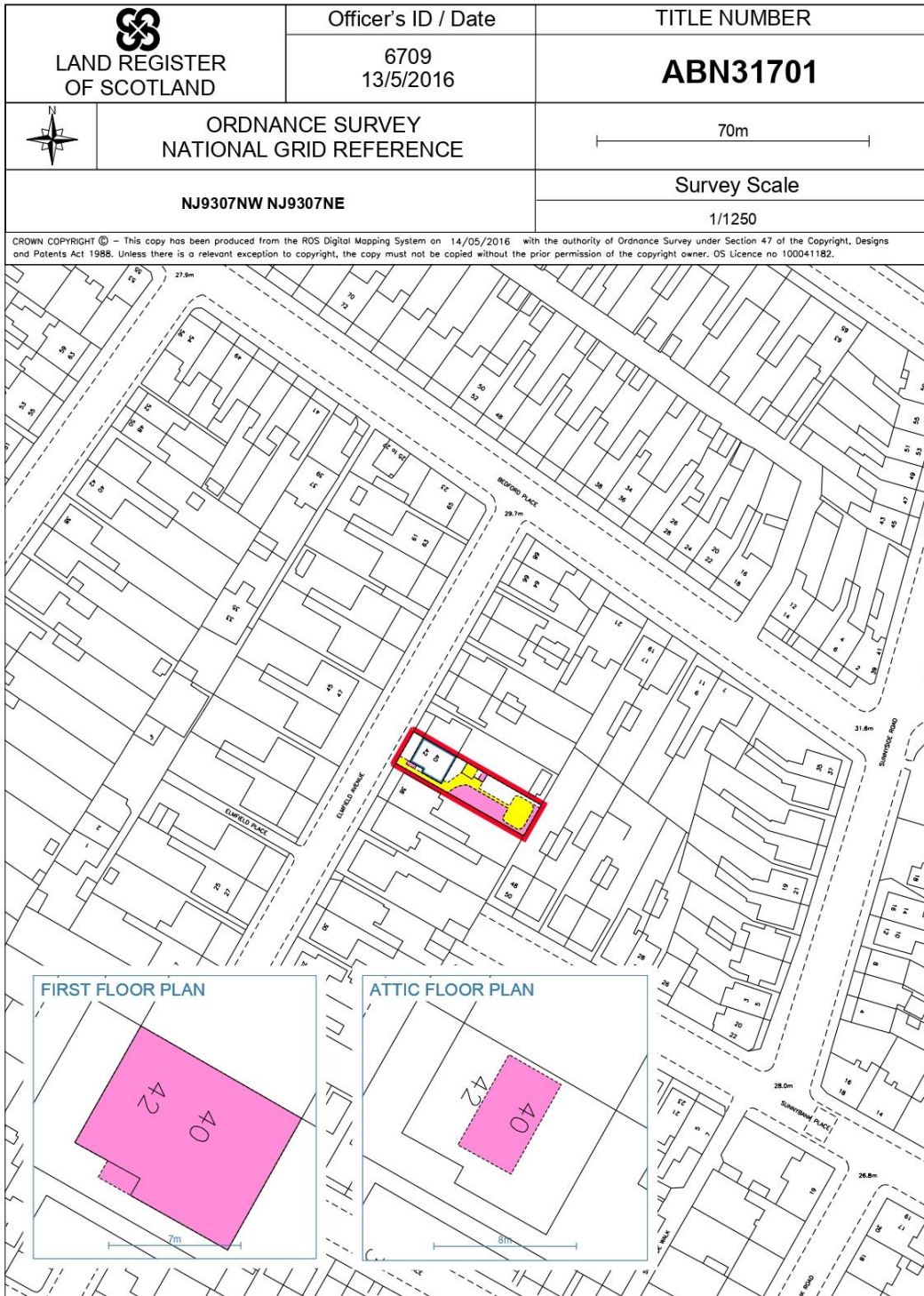
We wish to appeal this decision and present the following statement in response to the two primary reasons given for the planning application's refusal.

2. Impact on Amenity:

- **Garden:** The second key reason for the application's refusal is the potential negative impact on the shared garden at the rear, which could be caused by guests. To address this concern, we have included a Title Deed Plan at the end of this document for clarification. The property features a door at the rear that leads to the private portion of the garden. We can confirm that guests will only have access to areas that are exclusively owned by flat 42.
- **No communal use:** It should be noted that the property has its own front door, providing independent access to the flat. As the front door is exclusively for the use of the short-term let, any potential disturbances are limited to the guests within the property, and there is no disruption from additional foot traffic or noise associated with shared entrances. This arrangement helps maintain a quiet and private environment for both the guests and neighbouring residents.
- **Minimal Noise Impact and Parties:** The concern about noise and party-related disruptions is arguably no different than what might arise from any tenant occupying the property. Permanent residents may still entertain guests, generate noise, or engage in activities that disrupt the neighbours in the same way transient guests could. However, unlike a long-term tenant, the owner of the short term let would be more responsive to noise complaints and issues due to their role in managing the property. There is also a greater level of control over a short-term let that can help limit potential disturbances. For example, the owner can implement a strict no-party policy and use noise monitoring devices to ensure guests adhere to quiet hours. Also, the guest is only staying temporarily, making it easier to resolve issues swiftly. This level of control ensures that any potential noise disruptions are more manageable and short-lived compared to a permanent resident.

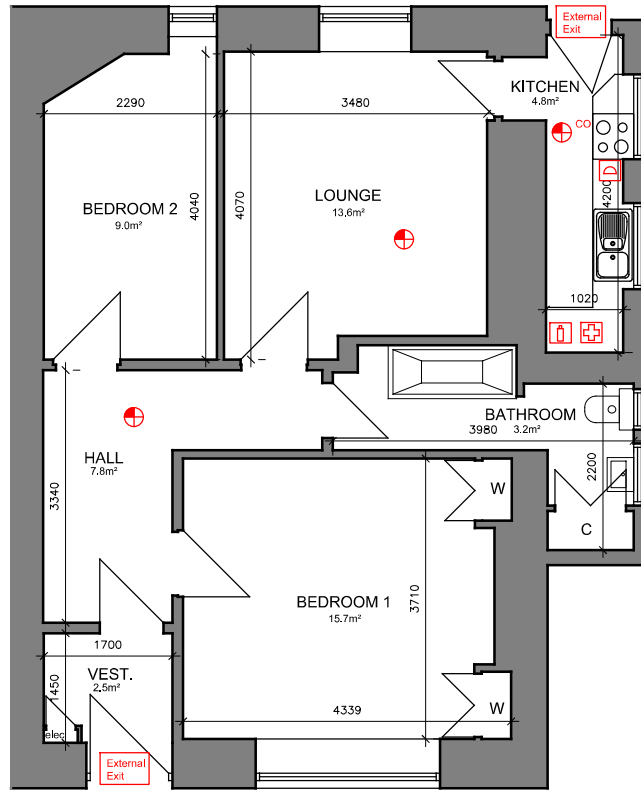
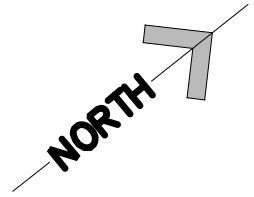
Conclusion

In conclusion, the main issues that were given by the planning officer for refusing this application were based on the impact of the local area due to a high number of HMO's and impact of privacy due to use of the rear garden. We believe that this application should be given further consideration due to the points made above as we believe that the use of the property as a Short Term Let would have a minimal impact on the residential character and amenity of the area and the economic benefits of the Short Term Let, including support for local businesses, further demonstrate their positive contribution to the area's vibrancy.



Title Deed Key:

White - Flat 42
Pink - Flat 40
Yellow - Shared area



ELMFIELD AVENUE

FLOOR PLAN 1:100

LEGEND

- FIRE EXTINGUISHER
- FIRST AID KIT
- FIRE BLANKET
- SMOKE ALARM
- CARBON MONOXIDE ALARM



email: susan@watsonpropertyconstruction.co.uk

42 Elmfield Avenue,
Aberdeen,
AB24 3PB

PROJECT NO.

2223

DRAWING TITLE

Floor Plan

DRAWN SCALE:

1:100 @ A4

DATE:

FEB 2024

DRAWING NO.

42EA PL01

REVISION

Windyedge Croft,
Aberchirder,
Huntly,
AB54 7QP
Tel: 07882 359 798

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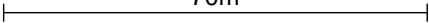
Short Term Let Accommodation

Planning Supporting Information Checklist



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

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 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	6709 13/5/2016	ABN31701
	ORDNANCE SURVEY NATIONAL GRID REFERENCE	70m 
	NJ9307NW NJ9307NE	Survey Scale 1/1250

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